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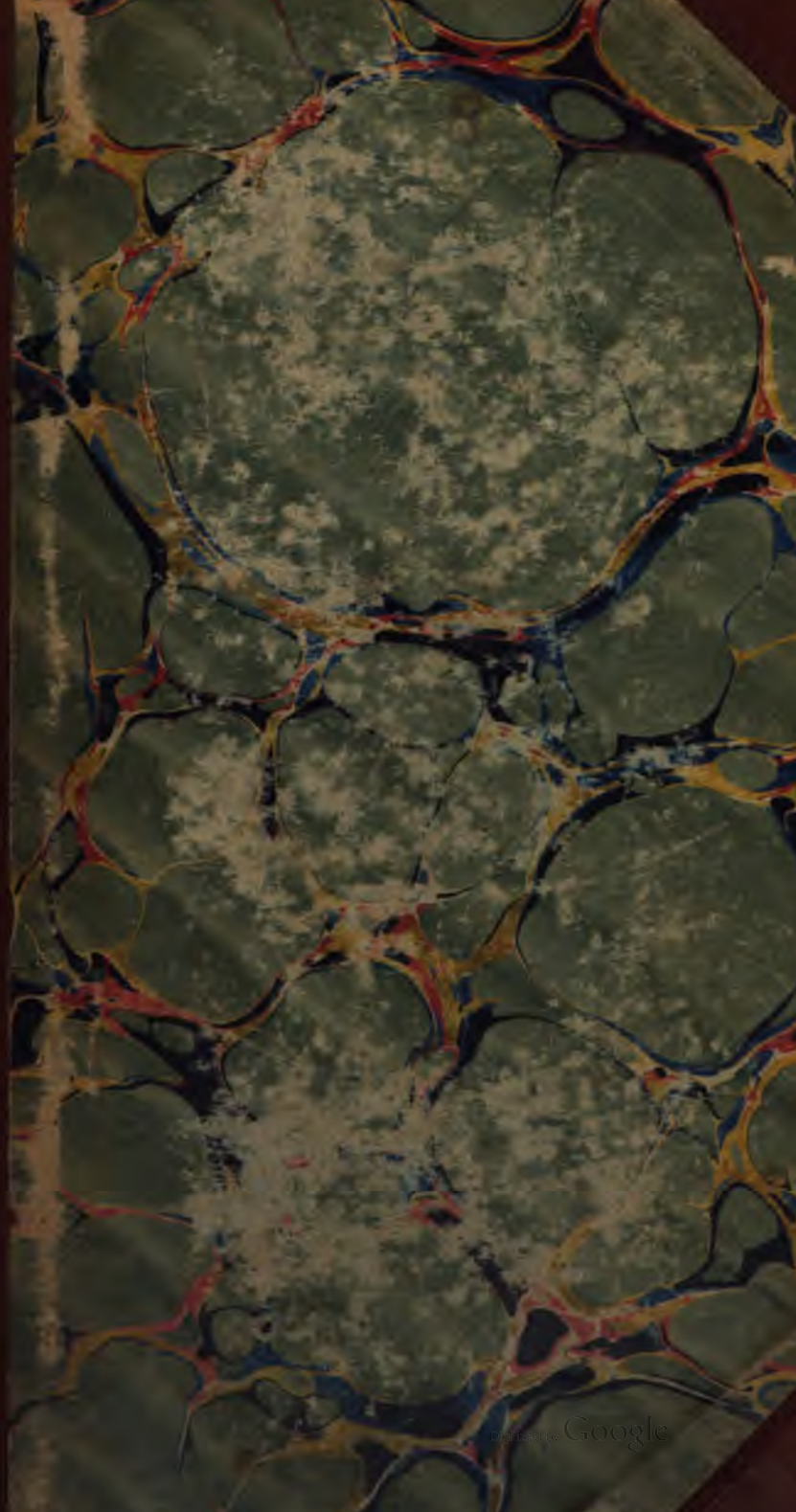
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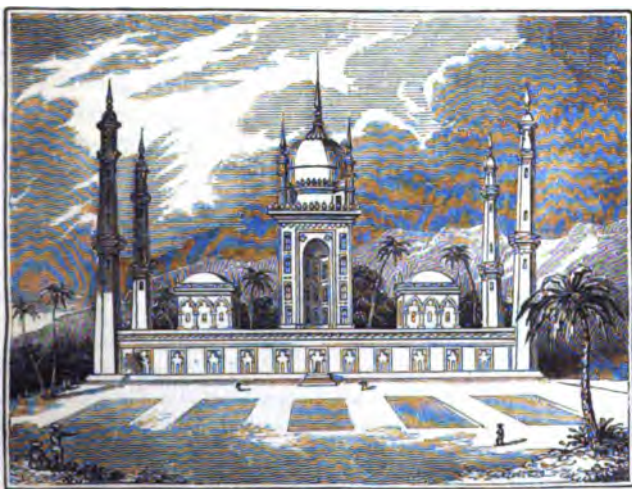
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CLAIM OF THE EAST INDIA COMPANY TO THE RIGHT OF IMPOSING TAXES WITHOUT LIMITATION.

It is now six months since we first drew the attention of the English public to the assumption of this monstrous privilege by the East India Company ; * and we rejoice to see that the English Press, though rather tardily, has at length taken up the subject also. Since the publication of the first article which appeared in our pages on this question, we have from time to time printed all the documents connected with the discussion, accompanied with comments, in almost every Number of this Work that has passed from our hands ; but a new circumstance gives us occasion to return again to the charge, for the purpose of following it up by other documents and other arguments bearing equally on the point still at issue.

Mr. Crawford, the able and intelligent author of ' The History of the Indian Archipelago,' who has recently been employed by the Bengal Government on a mission to Siam, having occasion to return to England, has been deputed by the British inhabitants of Calcutta to act as their agent in England, for carrying into effect their wishes, as expressed in their petitions to both Houses of Parliament, on this subject. That to the House of Peers is confided to the Marquis of Lansdowne and Lord Darnley ; that to the House of Commons is intrusted to Sir James Mackintosh and Mr. Brougham ; and the sum of 3,000*l.* sterling has been raised by subscription to defray the expense of carrying these petitions through both Houses. When the choice of the distinguished individuals named was made in Calcutta, the change in the councils of the English Government was not known,—the parties named were then in Opposition : now, however, Lord Lansdowne is one of the principal Ministers of State, and Sir James Mackintosh a member of the Board of Control, as well as a Privy Councillor. This, we fear, will make a great alteration in the chances of the petitions being brought forward with effect, as their purport is to complain of that very Board of Control, of which the constitution is still nearly the same as ever, and which the Ministers for the time being, be

* See an article on this subject in ' The Oriental Herald ' for June last, vol. xiii., p. 614.

they who they may, will deem it their duty to support. But this is the unfortunate position in which all petitioners for redress of wrongs are placed. If their complaints against the evil-doers are placed in the hands of Opposition, they may be heard, but will never be attended to by those in power. If they are sent direct to those in authority, they are either not brought forward at all, or so coldly as to ensure their subsequent neglect. Unless the whole question of the East India Company's Monopoly can be brought into discussion,—and this can only be done through the mercantile and manufacturing interests of England,—no question for reform of Indian abuses will be listened to with patience in either House of Parliament; though we rejoice at every circumstance, bearing upon this Monopoly, that may arise for public discussion, because it serves to keep the public mind alive on this subject, and increases the store of facts and arguments to be brought up in judgment against it when the day of reckoning, now fast approaching, shall arrive.

The people of England, generally, think of India only as a vast and rich country, from the interior of which they are now shut out by the odious monopoly of the East India Company; and their chief hope and desire is, to see that country and China thrown open, as South America, New Holland, and other distant parts of the world now are, to increase the number of markets for consuming their productions. That desire was considered to be in some degree gratified by the partial opening of the East India trade, which took place at the last renewal of the charter, by which ships were allowed to visit the three principal ports of Calcutta, Madras, and Bombay, though they could not touch at intermediate ones, nor send agents or supercargoes to sell their goods in the interior, where the great consumption must always be. But, if the claim now set up by the East India Company, of a right to levy what taxes they please, without license or limitation, on every British subject visiting India for the purpose of residence or trade, be admitted,—they will have it in their power to retain their commercial monopoly in spite of all that Parliament has done, or can do, towards its amelioration: for being themselves exempt from any tax, as they are the tax-imposers, as well as tax-collectors, they have only to tax all their trading rivals up to the proper limit, and they can at once destroy all competition, and drive every other trader, but themselves, from the market.

Any notion of a free trade under such a power as this, is perfect mockery; it is worse than even the arbitrary exactions of a Turkish Pasha, or a Bedouin robber; because these are but occasional, and for a season at least may be escaped: whereas the unlimited taxation of the East India Company being managed upon the most approved models of more enlightened fiscal regulations, reach every individual, and no man can hope to elude its rapacious grasp.

If any thing could rouse the people of India to resistance, it ought to be this; and as we lost America by the same line of conduct,

attempting to tax the people without giving them a voice in the matter, and singularly enough too, beginning then, as now, with one of the most offensive of all imposts, a Stamp Tax, we are not without a hope of seeing similar good effects proceeding from similarly sufficient causes. If any thing could rouse the people of *England* also, to any interest whatever about India, it ought to be this monstrous claim of the India Company: first, because if persisted in, it may lead to the entire loss of that country, which it is the fashion to call 'the brightest jewel in the British Crown;' and next, because if not so lost, it must render it useless as a mart of trade: since any government, itself composed of traders, who have the power to tax all other traders visiting their markets to any extent they please, will effectually keep all rivals out, and enjoy the trade entirely to themselves, as much as if their exclusive monopoly was confirmed to them by fifty Acts of Parliament.

Let us hope, therefore, that both in India and in England, the resistance to this impudent usurpation of the India Company will be strong and general; and that sooner or later it will end in wresting the whole country from their iniquitous and degrading dominion. To assist in this, we shall give, in this place, a summary history of the attempt in question, which we transcribe from a communication simultaneously sent to different publications, though appearing but in few, and which we therefore deem it our duty to place on record in the pages of this Work; in preceding Numbers of which will be found almost every thing that has yet appeared in India or in England on this topic, in addition to such illustrations as we have from time to time offered from our own pen.

'The Company's exchequer was drained by the Burmese war, which is said to have entailed on the nation—for, speaking *rationaly*, this is the real state of the case—a debt of 13,000,000*l.* sterling. To meet the enormous disbursements of the Burmese war, the Indian Government, as early as 1824, made an attempt to impose general stamp duties on their Indian subjects, and promulgated a law to this effect. The Indians resisted the edict, by perversely refusing to purchase stamps, and the law became a dead letter, the local Government not daring to enforce it for fear of exciting insurrection, of which, on similar grounds, they had the experience of more than one example. On this, it occurred to them, that taxing their rivals, the British merchants of Calcutta, from whom no insurrection was to be apprehended, and on whose passive obedience they fully reckoned, would be a wholesome example of submission to the wayward provinces. This could not, as the law stood, be done without the consent of the authorities in England—that is, as they imagined, of the Directors and India Board. A regulation was therefore secretly proposed, secretly sent home, secretly and readily approved of, secretly sent back to India, and then so suddenly promulgated, that the inhabitants of Calcutta had not the slightest notion of the vexatious and oppressive attack

meditated against their privileges and properties until the law made its appearance in the *Gazette* of Government. The inhabitants lost no time in addressing a respectful petition to the local Government, in which they insisted upon the obvious impolicy of stamp duties in such a state of society as prevailed throughout India ;—stated, that no measure of Government had ever excited such general alarm,—dwelt upon the embarrassment which it would cause in all commercial dealings,—and prayed that the operation of the law might be suspended. The Government replied, that it wanted money, and must have it ; that the legislature had conferred upon the Company and its servants the power of taxing Englishmen in any way, and to any extent they thought proper, just as they taxed the Hindoos ; and, above all, it insisted that the stamp duties were “ among the least objectionable taxes that could be imposed upon a people ; ” for that they fell upon the rich, and not upon the needy ! Seduced by this last piece of nonsensical extravagance, it went even the length of taking credit to itself for not sparing the rich, as it had already not spared the poor. Further, the inhabitants of Calcutta, who had before imagined that they paid more than enough, and that they had done a vast deal to support an unpopular Government that did nothing to support them, were told, in plain terms, that they contributed nothing, or next to nothing, in support of the East India Company ; and that, in future, they must contribute as directed, in order, as the servants of the Company expressed it, that there might henceforth be no “ inequitable exemption.”

‘ There was no reasoning with an authority that could banish a man for a difference of opinion, or arrest his person and ruin his prospects for advancing a solid argument, or stating an incontrovertible matter of fact. If this line of proceeding had been safe, the people of Calcutta could easily have shown, that through direct or indirect contributions, in the shape of taxes on rents, spirits, drugs, in customs, in monopolies, they in reality contributed ten times more than the poor and incapable provincials, alleged by the heedless Government to sustain the whole burden of the administration. Such a course being utterly unsafe, they contented themselves with a respectful intimation to the Council, that it was their intention to apply to Parliament for an explanation of those clauses of the statute on which the Company pretended to found its right to tax them,—clauses which, it was plain to common sense, were meant only to legalize duties of customs, and which, whatever their original intent, had (except in relation to such duties) lain dormant and inoperative for thirteen years. The omnipotent Council modestly replied, that it saw no objection to the inhabitants of Calcutta petitioning “ the Parliament of England.” This was the exact expression it made use of. It had objections, nevertheless ; for, when the inhabitants had obtained leave of the Sheriff to meet for the purpose of considering the propriety of petitioning Parliament, it sent a severe reprimand to that officer, who happened to be a ser-

vant of their own, and commanded him to disallow the meeting ; an order which of course he complied with. The pretext for this violation of constitutional rights was, an edict in the shape of a letter, twenty years old, from the sovereigns of Leadenhall-street, forbidding all public meetings, the object of which might not be agreeable to the local Government. The penalty, "our high displeasure," as the above puissant lords expressed themselves, would only have been laughable, if unhappily the legislature had not been committed into arming them with powers which made it dangerous and pernicious.

' The inhabitants, debarred from meeting in their corporate capacity, resolved to meet as an assembly of individuals ; and that there might appear nothing clandestine in their proceedings, gave a public intimation of their intention. The Government, which had "no objection" to the inhabitants petitioning the Parliament of England, saw great objection to affording them the means of drawing up a petition, and highly offended that they did not evince themselves passively obedient to "the Parliament of Calcutta," sent, in utter ignorance of the law of the land, an order to their stipendiary magistrates to disperse the meeting, and, if necessary, to call in a military force for this purpose. The magistrates having more sense and discretion than their masters, consulted a lawyer on the legality of the act ; and finding that each and every one of them would be liable to an action of trespass for disturbing a lawful meeting, they refused to obey the order. The meeting, which was composed of all the wealth, talent, and respectability of Calcutta, European and Native, accordingly took place, and was conducted with the utmost temper, order, and regularity.

' A petition to both Houses of Parliament, which is distinguished, in our opinion, by good sense, temperance, and just constitutional sentiments, was unanimously voted, and was shortly after numerously signed by every man in Calcutta, of whatever party, eminent for wealth or station, out of the service of the Company, but by not one man connected with it. Such is the despotic character of a Government which, in such times as these, has the folly openly to boast that it always has been, and ought always to continue to be *arbitrary*.

' Its being arbitrary, however, did not make it infallible,—another attribute of which it would be glad to be thought possessed. The Stamp Regulation was to have been, according to proclamation, in operation from the 1st of May ; but no one bought stamps, and it was in vain that the Government organized a *cordon* of stamp-officers, erected stamp-offices, built a fleet to distribute its gifts in the provinces, placarded, offered discounts, &c. : still no one would buy.

' The public, although the vanity of the Government seduced it to think otherwise, had got it into their heads that the regulation was not law without being approved by the King's Supreme Court, —a form required by statute wherever a King's Court has special jurisdiction. This was, in fact, the case ; and, after an interval of

condition which would necessarily be fatal to it, since *any* taxation other than by Parliament, grounded upon the fact of our being represented in that assembly, is allowed, on all hands, to be unconstitutional and illegal. Thirdly, the declaration in paragraph 7 of the Bengal Government's letter, that because stamp duties on deeds, &c., had long been levied in the interior of the country, it was equitable to levy them on Calcutta also, as in the eyes of the Legislature of England the inhabitants of the interior had equal claims to consideration with those of Calcutta, is either incorrect in fact,—upon the supposition of the management of the interior having been entirely given up to the Company,—or incorrect in principle, since it justifies the wrong inflicted upon the interior, by asserting that the same wrong may be in the same manner inflicted upon Calcutta,—for a wrong it must be in either case to impose a tax without a representation in Parliament, when it is asserted that in the eyes of the Legislature of England the inhabitants of the interior and of Calcutta have equal claims to consideration,—unless, indeed, by equal claims is meant no claim at all. That such a mockery, however, was ever intended by the Legislature, can hardly be imagined: and we have the testimony of Sir Edward East, in his letter to Lord Liverpool,* upon the judicial system of British India, for assuming that all the Native as well as the European inhabitants of the Company's territories are British subjects, and that this, 'which could never have been seriously questioned after the supremacy of the King of Delhi became purely nominal,' is now put beyond all doubt by the formal declaration of the Legislature, in the Act of the 53d Geo. III. c. 155, which asserts 'the undoubted sovereignty of the Crown over the Indian territories.'

In a legal point of view, therefore, the case, it seems, stands thus: All the inhabitants of the Company's territories are British subjects; but, owing to the peculiar constitution of the Supreme Court, the protection of the King's laws is, in respect of the *Natives*, available only to those who inhabit Calcutta. On the other hand, however, the Company's Governments are, in the opinion of legal men, restricted in their right to raise revenue to the means which were in existence when the management of the country was given up to them by the Crown; and this principle is adopted in its fullest extent by Mr. Prinsep, a confidential functionary of Government, writing under the auspices of a late Governor-General, Lord Hastings, and having had, it is understood, the assistance of high official authority in completing his account of that nobleman's administration, with the 'addition of a new and fuller summary of the political and financial result of those operations,' as noticed in the preface to

* See this Letter, published in the November Number of '*The Oriental Herald*,' vol. xv., p. 223. It is there considered to have been addressed to Lord Eldon; but subsequent discussions on the subject, contained in the Calcutta Papers, give reason to believe that it was addressed to Lord Liverpool, then Prime Minister of England.

the revised edition of his narrative ; in the second volume of which, at page 423, he expressly admits, that ' Government has not the option of providing for its wants by *fresh* taxation.'

The other line of argument taken up by the Bengal Government, appears no less untenable :—that Calcutta has hitherto enjoyed an inequitable exemption, having contributed little or nothing to the support of Government ; and that a stamp-duty on money transactions, falling chiefly on the opulent classes, seems among the least exceptionable of the taxes to which a Government can have recourse.

The first of these arguments, that Calcutta has contributed nothing towards the maintenance of that order under which it thrives, is peculiarly unhappy ; for, not only is it untrue in point of fact, but it is unjust in point of principle. So far, indeed, from Calcutta enjoying an exemption from public burthens, there is perhaps no spot in the whole world which suffers more from the heavy taxation prevailing in those quarters from which its supplies are necessarily drawn. With regard to the home supplies, it is well known that every article, partaking of the rise of price caused by high taxation in England, becomes progressively more expensive ; and that the import duties paid on its being landed in Calcutta, increase in proportion to the invoice rate ; whilst, on the other hand, all supplies derived from the interior are not only subject to the same effect, but their prices are frequently enhanced by the fluctuating demands of Government for their investments ; by which all wholesome competition amongst the manufacturing population is destroyed, and the *quantity* and *quality* of their commodities alternately lessened or deteriorated. In addition to these circumstances, the advances made by Calcutta capitalists for the cultivation of indigo, cotton, and many other productions, occasion an immense gain to Government in the way of customs, and furnish, of themselves, no inconsiderable portion of the public revenue. To say, therefore, that Calcutta contributes little or nothing to the support of Government, is not consistent with fact. In point of principle, again, it is unjust to tax Calcutta, because its share of the public burthens is by an indirect rather than a direct contribution ; for the apparent advantages of exemption from direct taxation, are precisely those which have attracted commercial men of all colours and persuasions to the spot ; and, admitting for a moment the right of Government to levy taxes, other than customs and municipal duties, their having so long forbore to exercise it, has tended to confirm all parties in the idea that no such right existed ; their suddenly, therefore, claiming a power at once so odious and so unlimited, has all the appearance of a deliberate breach of faith.

Sir Edward East, in the letter already referred to, speaking of the protection of the King's laws being afforded to all the Native inhabitants of Calcutta, says, ' since that period, the rapid rise of Calcutta, and the growth of its population from all parts of India, are, I believe, without example in the world, and still proceeding

with increased activity ;' and is it to be doubted, for an instant, that Government have reaped the full benefit of this confidence ? In no department of human speculation, is the advantage of just and impartial laws more unequivocally reciprocal, as they regard the governors and the governed, than in commerce ; the encouragement which liberality and inflexible good faith hold out to enterprise and industry, are invariably repaid with ample interest ; and to weaken that encouragement by evincing an inconsiderate desire of profit, is to interrupt the course of improvement, and to poison the stream of commercial prosperity at the very fountain-head.

The remaining argument, too, which represents the stamp tax as bearing exclusively on the opulent classes, is true only in the case of individuals whose incomes, though fixed, are very large. It is upon those whose incomes are fixed, and incapable of increase by industry or speculation, that the evil of taxation falls with unmitigated severity ; and as the great majority of incomes of this nature are only calculated to supply the means of a bare subsistence, a tax that directly affects them cannot, even in this point of view, be considered as bearing upon the opulent classes alone. But as the principal call for stamps, both in point of number and of expense, will be in transferring money on credit, and as the lender has always the option of imposing his own terms, it follows that the chief burthen of the tax will fall upon the borrowers, and that in a ratio increasing with the urgency of their demands, or the actual distress or poverty by which they are compelled to ask for assistance ; this argument, therefore, is as unsound as the foregoing.

These are some of the arguments that are suggested on perusing the letter of the Bengal Government in reply to the petition of the inhabitants of Calcutta. But if a power of unlimited taxation be really given to the local Governments of India, all the acts of the Legislature for throwing open the trade to India will be mere dead letters. The Governor-General in Council will only have to heap one imposition after another upon resident agents, and others employed in commerce, effectually to deter private traders from availing themselves of the apparent advantages offered to them by Parliament. Already, indeed, is this effect in some measure secured by the unjust, and, it is believed, unlawful, exemption from legal expense, which is enjoyed by the Company itself in India, whilst private suitors have to contend with law charges of every kind ; and should the Indian Government, in addition to this advantage, be empowered to impose taxes at will, they would be able to retain their monopoly in spite of the voice of the people of England, and the most solemn declaration of the Legislature united.

Nothing can be more unreasonable than to tax Englishmen for the benefit of a Government in which they have *no interest*, and on account of debts, in the incurring of which they have had *no voice*. The British inhabitants of India can claim no rights whatever that may not instantly be destroyed by the tremendous power of trans-

mission, (the gentle name in India for transportation without trial,) with which its Government is armed ; and not only is the exercise of this power most cruel and oppressive, but the effects which it is capable of producing, as an object of terror, may be, and are, of a nature the most immoral and the most degrading to every Briton accustomed to venerate the constitution, and prize the liberties, of his country. There are some rights, such as that of acquiring a settlement, and that of choosing and changing their place of residence, of which Acts of Parliament, or local regulations, already deprive Englishmen in India ; but the evil does not rest here, there are several others, the bare assertion of which would expose them to the resentment of the individuals composing the Indian Government, a resentment which the power of *transmission* gives them ample means of gratifying. Hence the selfish motives which induce the most disgraceful subservience to authority, and the malignant hatred with which a contrary conduct is denounced, even by private individuals, give to the society of India a character which can be compared to nothing, in modern days, excepting the *Reign of Terror* in France, under the tyranny of Robespierre. That persons so situated, subject to such avowed oppression, and with no means whatever of improving their condition, excepting by professional diligence, united to unreserved and uncomplaining submission, should, in addition, be held liable to be *taxed at will*, by men who are at once their rivals in trade, and the arbiters of their personal comfort, is a height of injustice which can neither be paralleled nor excused.

Upon the whole, we really think a stronger case for the interference of Parliament could not have offered itself ; yet as nothing is done in these days merely because it is right that it should be done, we do not augur any immediate benefit from the presentation of the petition sent home for that purpose. It should be the duty, however, of the independent part of the Press of England (though this also, we believe, will not be performed) to make as much of the affair as possible, and to place it fully and fairly on record, to be referred to when the question of the renewal of the Charter is again agitated.

The Calcutta Papers, from which we have quoted largely in our last and present Number, give ample accounts of the late meetings in that city on this great question. Our private letters, however, make mention of many circumstances which dared not be stated in these, among which are the following : After the Bengal Government had intimidated the Sheriff of Calcutta, and forced him to withdraw his summons for a public meeting at the Town-Hall, they were not a little surprised to find that the petitioners resolved to meet without any such sanction,—and they talked of employing force to put down such *audacity* ! His Majesty's 14th regiment were to have been called out, but the chief Magistrate of Calcutta having, it seems, certain qualms, if not of conscience, at least of responsibility, wanted the Advocate-General to inform him how

the law stood upon the subject. The gentleman acting in that capacity, (Mr. Turton,) declined answering him *viva voce*, but said, that if his opinion were asked in writing, he would not object to give it in the same manner, for that the affair was a very serious one. This was accordingly done, and the opinion reported to have been given was, that Government had already *gone a great deal too far*, and they had now better let matters take their course ; so that his Majesty's 14th regiment were for this time, at least, prevented from treating Calcutta as they had done Bhurtpore.

The only remaining point in the history of this transaction is the unlooked-for proposal of Mr. Charles Prinsep, a merchant of Calcutta, and a relative of the Government Secretary, suggesting the appointment of a local Legislature. This idea, if properly expanded, may lead to important results. Certain it is, that there are many and great objections to the present composition of the Indian Councils, without any one consideration that can be urged in their favour. The Civil Members, and, occasionally, the Governor-General himself, being servants of the East India Company, the door is open to all sorts of partiality, prejudices, jealousy, and caprice. Every individual has some ancient attachmen to reward, some long-cherished resentments to gratify, some rivalry to punish, or some indiscreet assertion of merit to mortify and confound. Look at Mr. Adam's administration ; look at the opposite results of Commissions of Inquiry, where one man is punished, although declared innocent, whilst another is absolved, though solemnly pronounced unfit for his post, because the one is connected with members of the Government, whilst the other was suspected of too close an alliance in a less favoured quarter. Much importance is given to the local experience of persons selected from the service, but, certainly, without sufficient reason, since all necessary information could be afforded by the Secretaries of departments, assisted by the numerous Boards sitting in Calcutta and in the interior. This is the proper channel through which the pure and undefiled stream of official intelligence should be conducted ; all besides that is generally contaminated by private feeling and personal association. It is impossible for the Ministers of England to examine with minuteness every measure relating to the Government of India ; they must of necessity leave almost every thing to the Board of Control, and the Board, in their turn, must rely, in matters of local reference, on the Directors. Upon the latter, then, will devolve the blame of having misrepresented the general character and feeling of the public of India, and it may not be out of place to remind all parties, that it was this misrepresentation, combined with contemptuous treatment, that in less than eight years after Dr. Franklin complained of it, caused the total loss of our North American colonies !

In a former part of this article, we have given it as the opinion of legal men, that the Indian Government had no right to impose additional taxes in the interior,—an opinion which is, as we have al-

ready observed, supported by Mr. Prinsep, a Government Secretary, in his 'Financial Review.'

We should not, however, be doing justice to all parties, were we not to add, that some of the law authorities of Calcutta maintain an opposite doctrine, and assert the *right* of the Company to do *whatever they may think proper* with an estate, which, in fact, they hold from the Crown upon no other condition than that of paying the stipulated rent! But whether this opinion be right or wrong, it does not at all affect the question at issue, which is the right of *taxing Calcutta*. The opinion itself is very likely to be what is called a technical one, and to rest entirely upon the circumstance of the Supreme Court having no jurisdiction in the interior. Where there is no law to appeal to, there can, in this sense, be no acknowledged right; but in Calcutta, the case is very different; and besides the historical explanation of the distinction between the Company's *settlement* and the subsequent *conquests*, which the very terms of the charter will admit of, there is the King's Supreme Court on the spot, and a formal declaration in various acts of Parliament, that the inhabitants of Calcutta are placed under its protection. Should, however, the opinion just cited, of the right of the Company to squeeze all they possibly can out of the miserable inhabitants of the interior, be generally espoused, what a theme ought it not to afford to all public writers to descant upon! Surely no doctrine in the world could show a more shameful disregard of the rights of humanity, a more disgraceful compromise of national dignity than that which would make the Parliament of the day consign so many millions of their fellow-creatures to the unprincipled exactions of bankrupt speculators, and trading politicians. India has had the misfortune to be always overrun—to have been always enslaved; but in this, her lot is not very different from that of other regions inhabited by an effeminate race of mankind. In one respect, however, she stands pre-eminent in misery: she is, probably, the only nation that was ever conquered by a civilized race, and by them kept, for more than half a century, in greater darkness, penury, and physical degradation, than the most barbarous, bigotted, and unrelenting of her previous tyrants had ever subjected her to!

In this part of the argument, it is important to keep in mind that when the Supreme Court was first sent out to India, it had jurisdiction over the *whole* of the Company's territories; it was not till 1781 that this jurisdiction was restricted, in respect to the Natives, to Calcutta; and the true reason of this restriction it would be well to ascertain. The Supreme Court, on its first arrival in India, was guilty of the greatest absurdities, not to say enormities; but there is reason to believe that Mr. Mill, in his eagerness to expose the folly of sending out a few second-rate lawyers, with a squadron of barristers, attorneys, and clerks, to cruise on a roving commission in the East, has allowed himself to overlook the real oppression and

extortion prevailing in the interior, and which induced the unhappy Natives so anxiously to catch at every prospect afforded them of attaining some relief from their burthens. Nothing is more common than to hear the inhabitants of these regions stigmatised as the most litigious people on the face of the earth : but it may be questioned whether this characteristic, if it does fairly attach to them, be not a direct consequence of the system of Government under which they live. Such a litigious spirit is generally the accompaniment of great political wretchedness, and, like desperate gamblers, a people that have been deprived of almost all that binds them to existence, are easily led to stake the little that remains to them upon the hazard of the law, under the persuasion that, if they gain nothing, the misery they already endure is scarcely susceptible of increase. In this view, the history of those times is worth looking into, in order to ascertain the real motives of the representation made by the Indian Government, and its effect in prevailing upon the Legislature to curtail the powers of the Supreme Court, and forbid its interference in matters relating to the revenue. The revenue is, and always has been, the one thing needful in India ; and a writer upon this subject, in one of the Calcutta Papers, seems to be of opinion, that the same feeling existed among the Ministers here, when the Act of 1781 was passed, and that their motive was, a hope of realizing the stipulated sum of 400,000*l.* premium, which the Company had agreed to pay for their vicegerency, but which was never paid for more than one year.

But the subject is inexhaustible. We pause, therefore, here for the present, and shall return again to it in due season. One public journal in India, 'THE CALCUTTA CHRONICLE' has been already suppressed by the Bengal Government, for the general tenor of its bold and uncompromising censures of the rapacious contrivers of this odious tax : and the same power would no doubt silence this Work by its suppression also, but, fortunately, we are beyond their power, and can defy, not merely them, but King, Lords, and Commons, to stay the issue of a single sheet from our press, while there exists British Courts and British Juries,—not in the *shadow* with which the people of India are mocked, the mere *show* of a Bench and Bar in Calcutta,—neither of which can prevent an innocent man from being made the victim of the Government, if he dares to speak his mind too freely,—but in the independent form in which, with all their defects, they still happily exist in England, to the terror of evil-doers, and the protection of those whom they would otherwise crush by their oppression. Let the people of India never cease their remonstrances till the protection of a Free Press, independent Courts, and honest Juries, safe in their persons and property, are secured to them. With these, they may defy arbitrary power, as we do in England ; without them, their political degradation is as complete as that of the veriest slaves who bow their necks before the Sultan of Constantinople, or the Shah of Isphahan.

NAVARINO.

No cloud t' obscure, on Hellas' shore
 The sun hath risen, and brightens o'er
 The mountain tops, and far away
 Sphacteria's isle and Pylos' bay.
 There sleep in dust the chiefs who died
 In days long fled, when land and tide,
 The island's shore, the mountain's brow,
 Echoed and gleam'd with arms as now ; *
 What time, beneath an angry star,
 Opposing Greece met Greece in war,
 And the green earth and heaving water
 Were redden'd with the mutual slaughter
 But soon the sun drank up that gore ;—
 Their tombs—they are upon the shore,
 Without a name,—without a stone,
 The senseless dust is there alone :
 There the stern Spartan, peaceful, slumbers,
 Darkly, and cold, and silently ;
 And the Athenian's boasted numbers
 Lie low, and mute, and dark, as he.
 A nation's praise,—a nation's scoff,—
 Glory's dream they rock not of ;
 Alike or shame or fame to them,
 If worlds applaud, or worlds condemn ;
 Nor *this* can deeper make their gloom,
 Nor *that* can call them from the tomb.
 So sound their sleep, that though on high
 Dark storms convulsed the earth and sky,
 Until the very waves receded,—
 The thunderbolt would burst unheeded ;
 Or from that sleep they had arisen,
 And every shade had burst its prison,
 When, louder, fiercer, than the storm,
 Or tempest in their wildest form,
 Broke the war fury on that shore,
 In smoke, and thunder, clouds and gore.
 Hear ye he peals that rend the skies,
 As though the eternal hills were riven ?
 See ye the flashing flames that rise,
 As though their lightnings menaced heaven ?
 Noon came in peace,—the mid-day sun
 Saw not the work of death begun ;
 Yet shall the beams of evening shine,
 In peace along each shattered line,
 And silent roll that troubled tide,
 O'er Egypt's host, and Turkey's pride.

* See Thucydides, bk. 4, chaps. 4. to 23, inclusive. Google

Though still the Othman's banners fly,
 Though still the Crescent's in the sky,
 Feebler their fire, and fainter grew;
 While proudly there Gaul's *filles* flew,
 While England's hearts, and England's might,
 Bore high her red flag in the fight;
 And there, an equal task to boast,
 The Eagles of the Scythian's host.

The sounds of war are hushed and over,
 The scene of blood night's shades shall cover;
 Go, Turkman! and the tale unfold,

How have thy best and bravest died!
 Bid, if they dare, thy chiefs behold,

And number, if they can, thy dead!
 In long array, and boastful pride,
 How swept thy galleys o'er the tide!
 Bearing to Hellas' land they came,
 Death and destruction, sword and flame;
 They came to slaughter and enslave,
 And little deem'd the greedy wave,
 When autumn winds had stript the tree,
 Their latest resting place should be.

Without regret, their sun hath set,

And, o'er their tombless fate,—to sorrow,
 Mourners are none,—the coming sun
 Shall light as gay and bright a morrow.

But England proudly hast thou borne thee,

Triumphant in the cause of Greece;
 The arts and glory that adorn thee,

Thy trust in war, thy boast in peace.
 Were *hers*;—for, kindled at her flame,
 To thee the lights of freedom came.

Thus dost thou but the debt repay,
 Since fate had swept her hopes away;
 And well, and oft, thy children know
 To emulate *her* sons, and show.

In English hearts, on English land,
 The spirit of *her* hero band.

They taught a monarch, that, nor throne,
 Nor sceptre could protect alone,
 Save with that spell, all thrones above,
 A nation's choice, a nation's love.

Named and renown'd, in peace and war,
 In snows, or by the tropic star;
 And never yet the foeman's spoil.

They hold the invader from the soil.
 And oft, and long, and gloriously,

Still may thy valour shine the same,
 Victor alike on land or sea,

Unspent thy force, unstain'd thy fame.

SIR EDWARD EAST'S SUGGESTED REFORMS IN INDIA.*

No. II.

Different Inhabitants of Calcutta.

THE inhabitants of Calcutta may, for judicial purposes, be classed into—1. British European subjects, and their legitimate descendants ; 2. Hindoos, or Gentoos ; 3. Mohammedans ; 4. Other proper Natives of Asia, neither Hindoos, Mohammedans, nor Christians ; 5. Portuguese, Armenian, and other Christians of native or foreign extraction, together with half-caste, or illegitimate Christian children of British subjects.

The situation of the first class is separately treated of in another paper. The Gentoos, (more commonly called Hindoos,) and Mohammedans, of the British dominion in India, may, for this purpose, be classed together ; they are each to be governed as the statute 21 Geo. III. c. 70. enjoins, by their own laws of inheritance, succession, and contract, respectively, as between themselves. But many of these laws, formed in rude times, are imperfectly adapted to the modern growth of arts, knowledge, and civilization around them. The men and their manners have undergone more alteration than is generally suspected ; but the laws, though construed as favourably as possible to meet this change, still remain in substance the same. Both codes, particularly the Hindoo, have multifarious rules enough ; but almost every one has its contrariant construction, and its convenient loop-holes, for the strong and crafty to escape through, with as many avowed diversities as there are provinces : this leads to endless uncertainty and litigation.

A small portion of this evil in civil, and a much greater in criminal matters, has been mitigated in the provinces, where the Government has continued to exercise a legislative power, though cautiously exerted, to correct abuses, and to supply defects, when flagrant, especially in matters connected with revenue police. But ever since the appointment of the Supreme Court, and indeed, I believe I might say, ever since the institution of its predecessor, the Mayor's Court, in Calcutta, the Hindoo and Mohammedan civil codes have been stationary, and submitted to no improvement, except such as was capable of being introduced by construction, under conflicting or silent authorities. Their criminal codes were entirely laid aside in the first instance. I should propose, that the local Government, with the sanction of the Supreme Court, should at least have the power to extend any original laws into Calcutta, with or without modification, as parts of the Hindoo or Mohammedan

* Continued from page 444 of the last Number.

codes, which the Government may have found it expedient to adopt in the Mofussil. What would be thought of governing the people of Great Britain, at this day, by the laws of the Heptarchy ?

Wills.

Added to this, the Hindoos have insensibly adopted some of our laws, without any authority, except the sanction of the Supreme Court giving effect to their acts. For instance, they now very generally dispose of their property by will ; but the Supreme Court being restrained to give probate of wills, or grant administration of the effects, of *British* subjects only, (in the confined sense before noticed,) and the Hindoos having no place of deposit, like our Ecclesiastical Court, for the safe custody of their wills, there are numberless temptations to forgery, and ample time for the fabrication, according to circumstances. The executors are under no obligation to deliver schedules of the personal property upon oath, or accounts of their receipts, by which their fidelity may at any time be brought to the test, if necessary, except by the burthensome process of a suit in equity, which can seldom occur in time to have the desired full effect, nor without a previous dispute among the spoliators for a division of the spoil, (and the expense of which can only be borne by an estate of a certain magnitude,) consequently, women, infants, and absentees, have no adequate check upon such administrators of their properties, whom it is now extremely difficult to fix with the possession of personal, and sometimes even of landed property, at any distance of time, so many ingenious devices have they for covering such possession in other men's names. In all instances, the parties injured run great hazard in substantiating their claims, when all the documentary proofs are in the hands of their spoliators.

Many of the most respectable Hindoos with whom I have conversed on the subject, deplore this deficiency; and in a late instance, where the Government had reasonably refused to pay money to one who claimed to be the representative of a deceased Hindoo entitled to it, without assurance of his representative character, I could devise no better method, in justice to both parties, than to admit him, at his own request, to *deposit* the will, *as in* registry, with the registrar of the Supreme Court on the ecclesiastical side, and to administer a *voluntary* oath, at the Hindoo executor's request, verifying the will and his own representative character. But by way of precaution, and that no person might be induced by it to attribute a greater authority than belonged to such an act, I directed the registrar to draw up the verification in writing, which was to be given to the party by way of memorial of his claim as having been made *voluntarily*, and noting that the will was not *registered*, but *voluntarily deposited as a registry*. Regular authority, however, is clearly wanting to authenticate, and still more to establish, the duty of

registering Hindoo and Musulman wills ; for purposes of property, something of this kind already exists in the Mofussil.

Marriage, Divorce, and Separation.

The Musulmans feel the want, at times, of a jurisdiction for the direct cognizance of their marriages, divorces, and separation, which have been heretofore dealt with in a very arbitrary manner by some of the Police Magistrates, for want of a better authority. The Hindoo customs seldom or ever give rise to such questions ; or if these do arise, they are for the most part settled in *foro domestico*, though I have known attempts to enforce separation on the part of Hindoo women, by their parents and friends. The Judges are often solicited at chambers, particularly by Musulmans, to exercise this kind of jurisdiction, but know not by what authority it can be assumed ; and I have therefore only interfered, and that but rarely, either as a mediator, or by referring such questions to the Cazis, who repudiate any express authority in themselves, except as referees by consent of parties, having no means of enforcing obedience to their judgments : the head Cazi, in particular, saying, upon my application to him for information, that the power of divorce and separation properly belongs only to the chief magistrate of the state, and is not exercisable by inferior magistrates. A Musulman of high rank informed me, that he considered the authority of enforcing the Cazis' judgments as necessarily forming part of the supreme power of the state. But, in truth, it would be dangerous and unpolitic to give any of the Musulmans judicial authority without British control : it would soon be made an engine of barter. The Hindoo, I fear, is remediless, on account of the rules of caste,

Interest of Money.

The British statute law of Queen Anne, limiting the rate of interest, and inflicting penalties on usury, does not apply to this place, being founded on local considerations at home ; and the statute 13 Geo. III. c. 1. only restrains *British* subjects from taking more than twelve per cent. in India, which does not extend to Native inhabitants ; and as these latter were not originally restrained in their contracts to any certain rate of interest, and these contracts are saved, as between themselves, by the 17th clause of the statute 21 Geo. III. c. 70. before mentioned, the door was consequently left open to excessive usury on their part. Nothing, however, can be more absurd and unjust than to enable Natives to take a higher rate of interest from British subjects than the latter may take from them. This evil, with respect to the provinces at large, has been provided against by a modern regulation of the Government restricting interest on loans taken by Natives to twelve per cent. ; but as the regulation does not extend into Calcutta, (as being within the exclusive pale of the British jurisdiction, and under a distinct legislative power,) the usurious Native of the capital is left without

any other restraint than one, which perhaps in strictness cannot be justified, that where resort is had to the process of the Supreme Court to enforce money contracts, it has not allowed more than twelve per cent. in any case to be recovered, as being against conscience, and oppressive. And I find that in very flagrant cases of oppressive interest beyond twelve per cent., the Court has disallowed interest altogether, though expressly reserved, which seems to be going far : but in a very late case, occurring since the original of these observations was forwarded, the Court thought they were bound to give twelve per cent. on the sum actually received by the borrower, as the rate of interest was expressly reserved by the contract ; though the principal, which had been enhanced on the face of the securities by usurious practices, was cut down to the just amount of the advance actually received.

The interest which the Court allows, (thence called Court interest,) where no express rate is stipulated for, is ten per cent.

The remedy, however, afforded by the Court can only be given to the oppressed, if he be rich enough to contest the payment of more than twelve per cent. and drive the usurer to his action : and unless the amount is considerable, he must probably be a loser upon the balance against the costs of the action, or at least against his own costs. It is notorious that the common people of Calcutta universally pay more than twelve per cent. for their loans ; in general, nearly double, and frequently still more, under various pretences. The rate of interest in the Native capitals of India is ordinarily above twelve per cent., and often from twenty to twenty-five, on account of the insecurity of the principal. It is no doubt politic to permit a higher rate of interest at Calcutta than is allowed in England, in order to draw the money Natives of India, who live for the most part on the interest of their capitals, into Calcutta, where it is employed in aid of British trade and enterprize, and of the Government itself on pressing occasions ; and also for the sake of those British subjects holding office here, who look to a return home, after a moderate number of years, on the savings of their salaries placed out at interest in the mean time. But I can see no manner of objection to the same rate of interest, not exceeding twelve per cent., being established in the metropolis, which the Government has affixed as the limit to the Natives in the provinces, to which the British subject is also confined by the statute ; and justice requires that it should be done.

Caste.

With respect to caste, although many wrongs are committed on this account, or under this pretext, principally with a view to decoy young women from their husbands, or to extort money ; and although the Judges are frequently applied to at chambers for redress by the inferior classes, and have sometimes interfered in flagrant cases by way of advice and recommendation to the parties them-

selves, or by reference to the Police where the attempt has been mingled with breaches of the peace; yet, after the fullest consideration I can give to this difficult subject in its political and moral bearings, the best mode of treating it appears to be *in foro domestico*, to which it should be left; though the Judges and Magistrates will still hear of it extrajudicially in cases of gross abuse. Rules have been promulgated giving direct cognizance of matters of caste to the Mofassil Courts, but, as I am informed, with little judicial result, and that little not of an encouraging nature, connected indeed with conspiracy, assault, or the like. Caste is properly cognizable even in the Supreme Court, but there the abuse of it is connected with crime.

It has become quite a matter of course among the inferior classes, and is gradually spreading upwards, where a Native has lost caste, to repurchase his admission for a moderate sum. This is one of the seeds of the destruction of caste. The purchase is made among the lowest classes for eight or ten rupees; for a man of some distinction about 100 rupees; for a Brahmin of good rank in fair circumstances, about 1000 rupees; under particular circumstances, and by very wealthy men, 20,000 rupees, or more, have been formerly paid; but the price is more likely to be lowered from time to time as the institution becomes more lax. There is, however, a current notion that nothing can recover the original pure Brahmin caste of a Peerily Brahmin, now a numerous and money-getting body, which formerly lost caste by some contamination under the Musulman Government, which to this hour the Hindoos most cordially detest. The Hindoos have a common tradition amongst them, that all men will ultimately be of one caste.

Sale of Infants' Property for necessary Subsistence, &c.

By the Hindoo law, in cases of necessity of subsistence of the family, for marriage-portions for daughters, and also for Srâd ceremonies on the death of parents, &c., and for other religious purposes, the ancestral property of infants may be disposed of either by the eldest brother of an undivided Hindoo family, when of age, or, in the infancy of all the brothers, by their mother or other of the family *in loco parentis*, and, as some of the authorities say, even by a servant or friendly stranger to their blood.

There is no more frequent source of litigation among the inferior and poorer classes than this. In a country where there is no public provision for the maintenance of the poor, (the existence of which is one of the noblest attributes of England,) this power seems to be founded in necessity; but the due exercise of it resting, as it must do, upon local and cotemporaneous facts, the title itself is very difficult either to be proved on the one hand, or controverted on the other, at the distance of a few years, when only it is ever likely to be questioned; and whenever there is a suspicion that the

power has been unduly exercised, the contest generally involves in ruin either an innocent purchaser, or the helpless infant.

Remedy.

For the sake of both of these, it would be desirable that the existence of the necessity should be established, *in the first instance*, before some proper officer, (perhaps one of the police magistrates would be the best,) who should be authorized to inquire into it, and without whose fiat no title should be conveyed to a purchaser so as to bind the infant, and with whose fiat the purchaser's title should be secure, unless upon his fraudulent connivance with the real vender, for the signature of the infant is always obtained.

Petitions.

The Judges of the Supreme Court have always been accustomed to receive and hear pauper petitions at chambers, a practice irregular indeed, (there being no cause in Court,) but highly beneficial to the inferior classes, to preserve them from the plunder and oppression of their greater neighbours, both Native and British, but particularly the former; and instances have occurred heretofore of summonses and summary decrees of the Judges having been enforced by imprisonment and other irregular methods.

The course which I have pursued is this: Having received a petition in writing from the complainant, I shortly examine him, *ore tenus*, as to the grounds of it, in order to ascertain the probability of them, and supply any defects, or correct any errors or inconsistencies apparent upon the face of the petition; and I take a note of his answers on the petition. This serves as a future check. If no probable ground be laid, or if the complaint be stale, and its staleness not satisfactorily accounted for, according to the subject matter, or if it turn out that the complaint has been before heard and determined upon a former petition to a Judge, in this or in any subsequent stage of the inquiry, the petition is of course dismissed.

If the petition be entertained, a summons issues to the defendant to appear on a given day; (and this is perhaps the most objectionable part of the proceeding, that a Judge should issue a summons without authority, and without legal means to enforce the attendance required, there being no cause in Court.) If the defendant do not attend on the summons, I proceed no further, but refer the petition to the inquiry and consideration of the pauper's attorney, (an officer appointed by the Court,) whose duty it is to examine the cause of complaint, to hear the party's witnesses (and, as it may be, to consult the pauper's counsel on matters of law,) and thereupon to report shortly to the Judge if the party has or has not a good probable ground of action, and also whether he is a pauper, (the criterion of which is, that he is not worth a hundred rupees besides his bedding and wearing apparel.) If the report be in the negative on either

ground, the petition is dismissed ; if affirmatively, the Judge admits the petitioner to sue in *forma pauperis* ; and then, if the defendant do not agree to refer the cause to some proper person, when required by the pauper's attorney, (for which purpose the defendant himself may also petition the Judge ;) or if it be of a nature unfit for reference, the suit proceeds in regular course.

If the defendant obey the summons and appear, I question him upon the several grounds of the plaintiff's petition, in order to ascertain what are the real points of difference between them, noting down the substance at least of his answers. This is a sort of pleading on terms, till, from the several answers of both parties in presence of each other, they are brought to one or more distinct issues ; and if they agree upon the facts, and the difference is on matter only of law, the assistance of the pundit or the montire, as it affects Hindoos or Musulmans, is called in, and their answer sometimes decides the case. If the difference be, as it more frequently is, on matters of fact, it is inquired of them whether they agree to refer the decision to an arbitrator of their own choosing. If the defendant acquiesce, then, unless it is a very difficult or complicated question, I should not assist the plaintiff with the pauper's establishment in preference to arbitration. If the matter be referred, it is settled in that way ; if the defendant decline a reference, the petition is then referred to the pauper's attorney, to inquire more regularly of the fact, and report, as before ; or it may be first submitted, on the matter of law, to the advice of the pauper's counsel.

But it not frequently happens that, on the discussion before the Judge himself, the parties come to an agreement to do such and such things ; and the fact of this mode of adjudication is, that there is no method of compelling the observance if either should afterwards swerve from his agreement. I think, therefore, that it would be useful to enable the Judge in such a case to direct a note to be taken of any agreement of the parties before him, and to make it a rule of Court to be enforced by attachment.

I should see no objection to giving the Judge a power to administer, if he thought fit, an oath to such parties as *voluntarily* offered themselves to be examined upon a summons. The stat. 41 Geo. III. c. 105. goes further, and authorizes Judges to whom certain petitions are referred, in order to ground proceedings in Parliament, to examine witnesses on oath.

These are some of the principal emendations most generally called for, but other inconveniences occur, from time to time, which require to be remedied. As to the best mode of applying the remedy, I refer to the general observations submitted in another paper.

Natives of India other than Hindoos, Mohammedans, and Christians.

There are Natives of India in Calcutta, who are neither Hindoos, commonly so called, (that is, Native Hindoos of the *Gentoo* religion,

who alone, in common parlance, are here called Hindoos, in contradistinction to Mohammedans,) nor Mohammedans, nor Christians, whose legal condition is next to be considered. The Supreme Court, in addition to the British, which is its general text-law, is directed to take cognizance only of the Gentoo and Mohammedan codes, as established among the Native subjects. Hence, when questions have arisen concerning the laws of marriage, adoption, title, inheritance, and succession, as practised by others than Hindoos or Mohammedans within the British territories, there has been great difficulty and uncertainty in dealing with them.

Sikhs.

Since I have been here, questions have arisen concerning the inheritance and succession of Sikhs in Calcutta, depending upon the questions of marriage and adoption, the forms of which are different from those of the Hindoos in general; yet, in that instance, the difficulty was got over by considering the Sikhs as a set of Gentoos.

Burmans, &c.

The case of Burmans and Avanees, who are Bhuddists, and foreigners to Hindoostan, though approximating to the Gentoo faith, would be more difficult.

Parsees, Chinese, Ceylonese, and Javanese.

But what shall be said to the Parsees and Chinese, the former of whom are beginning to spread to Calcutta from Bombay, and the latter are already become very numerous here, and are yearly increasing? What to the Ceylonese, Javanese, and others?

Inheritance and succession of Foreigners settled here to be governed by Local Laws.

With respect to the title of land, it must follow the local law of the country in whose hands it is. If the person last seised be not a Gentoo (by which is understood here a Hindoo of the common superstition) or a Mohammedan, we can only apply to him the British rules of inheritance and succession; and in this there seems to be no inconvenience, for the owner may also vary this disposition by his will. But what is to be done with the marriage, divorce, and adoption of foreign settlers? The law of adoption has ever been local and special since nations have ceased to be migratory. The ceremony of marriage also is a local law throughout the world. If a marriage be contracted within the pale of the British laws by a form not recognized by our code, or by the Hindoo code amongst Hindoos, or by the Mohammedan code amongst Mohammedans, how is it to be recognized as conveying claims to property, for we have no authority to go by any other codes. The Hindoo codes, indeed, allows of all marriages and adoptions of strangers domiciled

amongst them, according to their own several national forms ; but the Supreme Court has only authority to recognize Hindoo law as between Hindoos, not as between strangers.

The fashions of the several races of foreigners domiciled here are too fixed to bend readily to local customs ; and the main question will be, whether the British Government is desirous, by a public recognition of their several domestic customs of marriage, divorce, and adoption, amongst themselves, to encourage these foreign settlers in Calcutta as the great mart of Asia, and thereby to form a link of connexion with their respective countries. Each of these knots of settlers herd together, and are continually increasing, particularly the Chinese, most of whom are stationary.

Arabs.

The Arabs, who are also as numerous as Musulmans, though foreigners, are within the letter, at least, of our legal provisions. Of these the Wahabees would seem to be only a sect.

Jews.

We have also a few Jews, who have probably, like their brethren in England, some private bond of conscience, by which all questions concerning their domestic relations are settled in *foro domestico* ; for we never hear of them in Court, except sometimes as hired bail, so true are they to this calling all over the world.

Portuguese and other Christians of Native or Foreign Extraction, and Half-Caste.

The Portuguese, Armenian, and other Christians of Native or foreign extractions, together with the half-caste, or illegitimate Christian children of British fathers, form a very considerable and important class, which, for several purposes, is out of the pale of the British laws, though not within the Hindoo or Mohammedan rule.

In framing statutes for British India, the legislature seems only to have had in view three descriptions of persons : British European subjects, with their legitimate descendants, and the Hindoo (or Gentoo) and Mohammedan Natives of India : throughout these *laws*, British subjects, and subjects of his Majesty,* are terms used in contradistinction to Native inhabitants ; and it is only under the description of the inhabitants of Calcutta that the Supreme Court now exercises any direct jurisdiction over the persons of whom I am immediately treating.

Portuguese Armenians.

If a Portuguese or Armenian Christian have his dwelling beyond

* The Court at Madras have lately doubted whether they could try a German soldier who had been 30 years in the King's service in a British regiment.

the Mahratta ditch; and commit a felony, he must be tried by the Mofussil Judge, but by what code of law I am unadvised. Such persons have not for many years served upon a jury in Calcutta; but previous to the year 1780, Portuguese Catholics, as I am informed, did serve upon juries, and a gentleman of that description now living, tells me that he has done so; when sued in the Mofussil Courts, none of these persons can appeal under the late act 53 Geo. III. c. 155, the right of appeal being confined to British subjects in the sense I have stated.

This is not so much felt by the Armenians in general, who being in part an Eastern people in their habits and manners, (with the exception of a few principal persons here who have altogether adopted the European custom and manner of life,) are little troubled about their comparison with the British, though far from indifferent to it, and all of whom are respectable for their integrity. But with respect to settlers of Portuguese extraction, several generations of whom have been born and bred under the British Government, and some of whom have been educated in England, many of them men of wealth and liberal education, they necessarily feel their want of political consideration in these matters. A few of the Portuguese are Protestants; for the rest, if their being Roman Catholics were not thought to be an obstacle to their sitting upon juries before 1780, it is not obvious why it should be so now. But I rather attribute the disuse of summoning them from that time to the construction which was put on the term, British subjects, in the Charter of 1774. The present depressed condition, however, of the mass of Native Christians of Portuguese extraction would practically operate to exclude most of them from the panel. Many used formerly to be employed as clerks in the offices of Government and of the principal merchants and agents, but of late years they have been superseded for the most part by the more ductile Hindoo sircars or writers, whose labours are cheaper; and they have consequently fallen into great depression and poverty. They are still, however, a numerous body, partially mixed in blood with the Hindoos; and though ill-educated in general, many meritorious individuals are to be met with amongst them.

Half-Castes.

The illegitimate offspring of British fathers, usually denominated the half-castes, are not the least numerous class here, and are daily increasing and thriving; some of these having been educated at home as gentlemen, and others having received the best education this country affords, can but ill brook their exclusion from British privileges. Yet I fear that the general admission of them as a body into the jury-box would, from the low consideration they bear, clash with the feelings of not a few of those who now sit there, and of some perhaps of higher degree; though many persons I know (with whose judgment my own accords) think that the true policy.

of Government lies in making these, and all the other persons of whom I am now treating, essentially British. In deference, however, to the feelings I have alluded to, I refrain from recommending the entire measure. But in order not to nourish and increase a spirit of inveteracy, by shutting the door to individual merit, and for the purpose of letting in, and making your own, the most deserving at least of this numerous class to share the privilege and the burthen of this service without creating any public sensation; and while our own juries are complaining much of the increased burthens thrown upon them, in consequence of the Sessions being holden four times in the year, their numbers being comparatively few,—it might be an experiment worth trying, to empower the local Government to admit so many individuals, or such classes of this description, as it should deem most fit and worthy, into the roll of British subjects, out of whom the Sheriff should be enabled to return the panel as usual.*

I throw out this hint for consideration, even upon a more extended scale at a future time, as circumstances shall point out.

Condition of Native Christians.

It is fit to consider in what condition these persons are if they be not British subjects. They are native born, and cannot, upon any common principle of justice, be debarred from colonizing in their native and only country. What is the law of inheritance, or succession, or marriage, out of the precincts of Calcutta? Can the Hindoo or Mohammedan law be administered to them, as Christians? The attention of Government is seriously called to this subject, which every day may bring into open legal discussion. Though the general question of colonization of British subjects in India should be regarded in the same light now as it was before the East India trade was thrown open, to the monopoly of which it seemed to bear the closest affinity; and though measures were now in train for assimilating to the British Government, or satisfying the nascent influence and ambition of the great landed proprietors, who are growing up under the Permanent Settlement,† *without any counterpoise of British territorial power, or of British influence, except that of office*, every day sinking in relative wealth; still, the condition of these persons, as the only links in the chain of popular connection, will deserve reconsideration. Nor does the difficulty rest here.

Hindoo Converts.

While pursuing my inquiries with a view to this subject, I received information of a fact curious in itself, and leading to im-

* Query, whether the Sheriff would not as well attend to a proper selection, without an invidious interference of Government.

† That measure seems to have been too hastily executed, but it demands a more extended consideration than can be given to it here.

portant reflections; I am at liberty to mention it to the persons to whom these papers are confided. M. Barretto, a gentleman of large property and great personal respectability, always considered here as of Portuguese extraction, gave me this account of his family: That they came originally from Bacien, lying to the north of Bombay, and were Hindoos of the Brahmin caste; how converted, whether by the word of the Portuguese or otherwise, he cannot say. One of his ancestors took the name of Barretto, in consequence of the Portuguese general of that name standing godfather to that ancestor at his christening. When the Portuguese lost possession of the island of Bacien, the family, then bearing the name of Barretto, retired to Bombay, at which place the present M. Barretto was born. His family is, and always has been, essentially Hindoo, and natives of this country, though long since become Christian. He himself was born within the allegiance of the King, and knows no other sovereign. He is an entire stranger to Portugal, though bearing a Portuguese name, which commenced in the manner described, and has been conveniently continued for purposes of trade. His son resided for some time in England; the family connections, however, with the Hindoos have been all along continued, and are still preserved, as far as the difference of faith has permitted.

Look at the condition of this gentleman, (which may be the secret condition of many others,) and compare it with the British laws in general, and with the construction of them which has hitherto held at home, and then say why he should not be deemed to be a British subject, as he claims to be; and whether, as the British laws framed for India now are and always have been understood, there is not great difficulty in treating him either as a Hindoo or as a British subject, in regard to his legal relations, or indeed in saying under what legal relations he stands here. He cannot be an alien in his own native country and in that of his ancestors.

Ram Mohun Roy.

Take another instance. A Native of high rank and great family estate in the province of Burdwan, a Brahmin of nine strings, which is of very high caste, by name of Ram Mohun Roy, son of Ram-Caunt Roy, has lately declared himself a Christian, of what precise description does not distinctly appear; and, perhaps, he himself would find it difficult to determine that point, as his self-conversion seems by all account (for I am not personally acquainted with him) to be still in progress, and has not, I believe, proceeded further than a kind of Unitarianism. I have heard that he calls himself a Unitarian Christian.* He says, however, that he will not do any thing wil-

* Though he is extremely well versed in the Scriptures, from whence he has drawn his morality, his more accurate description, as I have since had reason to believe, is of a Deist. I have seen a curious work of his, lately published, being an address to his countrymen against idolatry, which he maintains to be a corruption of their ancient faith.

lingly to forfeit his caste, (considering it probably as the nobility,) which he is desirous to preserve, and therefore declines eating, &c. with us, though he invites company, and sits at the table with them. Before he made public declaration of his faith, he consulted, as he says, upon this point of caste with his family, and with forty others of the principal and most respectable of his neighbours and friends, who promised to uphold and continue their association with him; and he adds, that if the other Brahmins be satisfied with this, he shall take no further steps to sever himself from them, or to influence others, who, in case of extremity, would, he thinks, follow him in his entire separation to the number of above 200.

This is a novel attempt, and, if successful, which remains yet to be proved, may be followed by important consequences. The Brahmins certainly regards his strings, independently of religious motives, as conferring worldly distinction upon him. They are marks of high descent, to which he naturally clings. In proportion as this feeling gains strength and encouragement, the other feeling will abate and be melted down.*

What is the legal condition of this last mentioned personage? The distinction which he is attempting to establish, seems, if he succeed, to leave him essentially Hindoo as to customs and laws respecting himself and his own rights, and so far it differs from the antecedent case; but it is certain that great difficulties must hereafter arise on his civil relations. As a Christian, if he terminates in one, can he have a plurality of wives? The legality of his issue, on a question of inheritance, must depend as to any subsequent marriage on the legality of the marriage rite, which the Hindoo law (though it recognizes the marriage of a stranger according to his own national form) has not yet recognized as between Hindoos,† if not performed according to its own rite. Is such a person to be deemed a Hindoo in point of law for one purpose and not for another? His will could not be proved in the Supreme Court, which can only grant probate of a will of a British subject, as elsewhere explained. Would the pundits consider a professed Christian convert from their faith as a Gentoo for any purpose? Or is he to lose the benefit of the one code, without acquiring that of the other?

Remedy.

I submit to the consideration of Government, that their protecting

* I do not find that he is a favourite among his countrymen; they say that he has publicly abused them, instead of endeavouring by private instruction to improve them.

† The pundits say there are eight principal forms of marriage used amongst them, but in giving their opinion on the case of a *Sikh* marriage, they said that they considered the contract as the essential part, as mere form to give solemnity and notoriety to the contract.

hand should be so far extended to this, and the like description, as to make provision that no Native of India shall forfeit any right of property or personal benefit on account of his possession of any particular faith or doctrine, which he would be entitled to, if claimed by any law of title, grant, inheritance, or succession, established in India, which was binding on the person or persons last seised or possessed, or on those through whom he claimed; and recognizing the marriages of all descriptions of persons in the several forms acknowledged and practised according to each faith; and giving probate of the wills and administration of the effects of all Christians within the jurisdiction of the Supreme Court.*

This, with the general or with the special power before proposed, respecting the admissibility of Christians in general on juries, would smooth most of the difficulties that are prominent in the moral and judicial horizon.

But it must be observed, that so long as an original British subject is prohibited from acquiring land in this country, it must be injurious to any person of Native extraction to be declared generally a *British* subject, unless an expiration be made in this respect in favour of Native-born subjects in their own proper country.

Points of Immediate Necessity.

At all events, there are two points to which the immediate attention of Government is called for; the whole of the fifth class of persons, if it should not be thought more politic and advisable at once to declare them British subjects; saving to them the right of holding land as Native born; and, if not being liable, to be sent to England for trial, &c.

Probate of Wills and Administration.

The one is to enable the Supreme Court to grant probate of their wills, and letters of administration of their intestate effects. By the 22d clause of the King's Charter of 1774, the power of granting probate and administration is expressly confined to *British* subjects only, and extends not even to inhabitants of Calcutta; and these Christian Natives (other than such as are born of British parents in lawful wedlock) are not deemed to be *British* subjects, as I have had occasion to remark, within the special national sense of the Charter and of the several acts of Parliament; however many of them may have been in the habit of applying for this purpose to the Ecclesiastical side of the Court, which has passed *subsilento*, it might, at least, be admitted that there is great doubt on the subject. The inconvenience of this is too obvious to be insisted upon, in case any dispute should arise upon the grant of administration to such person,

* This is independent of the suggestion in another place as to the wills, &c. of Hindoos and Musulmans.

particularly if the question arose in any foreign court. This power ought, therefore, to be supplied without delay, with a retrospective clause, confirmatory of passed acts, even if it might not be done by a declaratory law; for certainly their exclusion could never have been contemplated. Further, if it were thought proper to put all this fifth class of persons at once upon the footing of *British subjects* in all respects, if born within the British dominion in India, it might be done by a general declaratory law, that all persons born within the British dominions in India, and domiciled in Calcutta, being Christians, have been, and shall, so long as they are thus domiciled, be deemed to all intents and purposes to be British subjects within the meaning of the Charter of 1774, and of the several acts of Parliament passed for the regulation and government of the British dominions in India, saving to them all right of holding land as Native-born subjects, and exempting them from being sent to Great Britain as unlicensed persons, &c., or for trial and punishment.

This provision is exclusive of the observations elsewhere submitted as to Native Hindoos, Mohammedans, and others, within the local jurisdiction of the Supreme Court.

Written Contracts for Trial by the Supreme Court.

The other point for present consideration is, that these Christians of Native or foreign families settled here, and half-castes, cannot, for the same reason, avail themselves of one of the most beneficial causes in the charter of the Supreme Court, without which few can dare enter into contracts with any Native or foreigner, being beyond the jurisdiction of it. The 13th clause states, that the Court shall have power and jurisdiction to determine all such cases, &c., against every other person or persons whatsoever, *inhabitants of India*, residing in the said provinces, &c., of Bengal, &c., upon any *contract or agreement in writing*, entered into by any of the *said inhabitants with any of his Majesty's subjects*,* exceeding 500 rupees, where such inhabitants shall have agreed in the said contract, that, in dispute, the matter shall be determined by the Supreme Court.

Instances have occurred, where, for want of the extension of the privilege, Portuguese and other permanent settlers of great respectability, having had dealings with Natives or foreigners, upon the strength of their entering into written contract to answer for any breach of their engagement in the Supreme Court, have been ousted of their remedy by the swindler's withdrawing himself out of the local jurisdiction of the Court as soon as he had obtained their money or goods, and setting them at defiance. † It may be said, that

* This is one instance where the terms, 'His Majesty's subjects,' is used in contradistinction to Native inhabitants.

† No person, by his private contract, can give jurisdiction to a court which has it not by law.

subjects *just* grounds for insurrection, it was the Turks. Nevertheless, let the truth be known respecting each. The Turks may be tyrants, and yet not utterly devoid of magnanimity or feeling. The Greeks may be patriots, and yet not free from many and degrading vices. Let each have their due: for in this, as in every other imaginable case, TRUTH ought to be the pole-star of those who write; and justice cannot fail to be promoted by the frank and open statement of things as they really are. Mr. Green, aware of the difficulty of obtaining a favourable attention to statements so painfully opposed to the general wish as well as general feeling of his countrymen, thus adverts to it in his Preface:

‘ That there are occasions where Truth is unpopular, has never been more strongly exemplified than in the progress of the present Greek Revolution. Those statements only which favoured the cause of Greek Independence, have met with ready belief. The English Papers have but echoed the tones of Foreign Journals in publishing accounts of Greek heroism and Greek triumphs, for which we should in vain seek a foundation in fact. Falsehoods the most glaring have been unblushingly published to the world—and the world has had little opportunity, and less inclination, to investigate the truth of the relation.

‘ It is not intended to seek a competition with the numerous works on Greek affairs already before the public, to whom is left the task of judging of their several merits. I have only to observe in this place, that, from considering the inaccuracy of some, and insufficiency of others, arose the idea, that my own correspondence (though written with no such view) might prove acceptable to the public; as affording a correct, general, and connected view of the principal events of the interesting struggle that yet continues to agitate Eastern Europe. To such merits alone does the following work pretend.

‘ The letters, from which extracts have been made, were written during an official residence in the Morea, or in Zante, to correspondents in England, partly by myself, partly by my brother, the Vice-Consul. The information is derived either from personal observation, or from the official correspondence of consular agents in different parts of the Morea.

‘ If, in the course of these extracts, instead of adopting the terms Infidels and Christians, I have made use of those of Turks and Greeks, it must not be thence inferred that I am prejudiced against the Greek cause. On the contrary, it is impossible to be indifferent in such a cause—it is impossible not to wish the liberation of any people from a state of thralldom so degrading as that of the Rayahs under the Ottoman dominion. But enthusiastic admiration of their character, considered as the descendants and representatives of the ancient Greeks, must not be expected from a candid observer of the manners of the modern race who boast their name. That they

may again exhibit the virtues and talents that have shed a charm over their land, is ardently to be desired; but, in the meantime, it cannot be disguised that the Greeks of the present day are little advanced in intellect or moral feeling beyond their barbarian oppressors.

The first letter of the series contained in the volume is dated from Patrass, on the 3d of January 1821, and relates principally to the conduct of Ali Pasha of Yanina, of whom a character is given in a note; and it is not until the third, that the first rumour of the Greek Revolution is mentioned, and in terms which are sufficiently curious to be repeated. The writer, under date of Feb. 15, 1821, says:

‘I received, a few days since, by an express foot-messenger, rather a singular communication from my consular agent at Arcadia, Signor Anastasio Pasqualigo. He informed me that the Vaivode of Arcadia had communicated to him the contents of a letter which had fallen into his hands, addressed by a person named Colocotroni, now in Zante, to his friend in Arcadia, stating that a revolution on the part of the Greeks had been for some time organizing, and was on the point of breaking out; that the Ionians would assist their brethren in religion, and that the writer was occupied in organizing a body of men, with whom he intended passing over to the Morea, and that he should land near Arcadia. The Vaivode lost no time in communicating the contents of this letter to the Turkish Government at Tripolizza, and also called upon the British Agent to explain the meaning of such an extraordinary declaration. Signor Pasqualigo referred the matter to me, requesting an answer. I lost no time in assuring him “I believed the letter to be a fabrication; that I had not heard of any rumour of a revolution, and that, at all events, Ionian subjects were not likely to interfere on such an occasion.”’

In the following letter, dated the 29th of March in the same year, the indications are more strongly marked, and are interesting, as showing the first impressions and effects of the expected explosion. The writer says:

‘For some time past there have been strong suspicions of a revolution on the part of the Greeks being in contemplation. The Turks of this place, and indeed in other parts of the Morea, have evinced great distrust and uneasiness. The dissatisfaction expressed by the Greek inhabitants of Patrass was owing to the very heavy levies made upon them by the Turkish Government, for the purchase of supplies for the army in Albania; but the authorities had apparently calmed the irritation excited by their unjust exactions. However, within these few days, appearances have assumed a much more serious aspect, and the idea universally prevails just now, among the resident Greeks of this town, that a revolution is on the point of breaking out; the Turks also appear very uneasy, and

each party evidently mistrusts the other. The Greeks are engaged in shipping off or secreting their property. The Turks who inhabit houses in the town, are transporting their families and effects to the citadel, which they are putting into as good a state of defence as possible; they have compelled the Greeks to drag up some heavy cannon from the sea-shore, and have put into requisition all the ovens, to bake biscuit.

'The Ionians residing at Patrass, who are very numerous, are also much alarmed, and have sent to the islands many of their families, which the Turkish authorities here have endeavoured to prevent, as they issued an order that none of the inhabitants should quit the place; however, a deputation of Ionians having represented to me the injustice and risk attendant on such forcible detention, I considered it my duty to insist upon the order being cancelled, so far as regarded Ionian subjects, and my requisition has been complied with.'

These apprehensions are soon realized, and the open declaration of hostilities is thus announced, under date of April 6, 1821 :

'With my last letters before you, which contained an account of the state of affairs here, and my decided opinion that a revolution on the part of the Greeks, at present, was improbable, what will be your surprise at hearing that an insurrection broke out at Patrass on the 4th instant. Having hired the Malta packet *Clifton* to take despatches to the Ionian Government at Corfu, I am enabled to send you some particulars of what has taken place here, although I assure you I am hardly in a sufficiently composed state of mind to do so.'

'From the 31st of March, the Greek and Ionian inhabitants began to desert the town in great numbers, and by the 3d and 4th instant very few Greeks remained, their countrymen having embarked or retired to the mountains.

'On the 4th, a body of about fifty men, principally Albanian Turks, arrived from Lepanto, and entered the fortress; at the same time a boat arrived from Vostizza, with some Turks, who had fled from Calavritta, on account of the Greeks having openly taken up arms there: these also entered the fortress.

'About four o'clock, being at dinner, we received notice that the Turks had set on fire one of the Greek Primate's houses, which proved to be the case. This was the signal for attack, and a brisk firing of musquetry took place between the Turks and Greeks. The Ionians took part with the latter, and, although it is impossible to ascertain the precise numbers, I conceive there could not have been less than four hundred of them who were armed. The Turks shortly afterwards opened a fire from the fortress; the conflagration spread rapidly, and in twelve hours upwards of three hundred houses were destroyed.

'The Greeks who had retired to the mountains, perceiving the town in flames, and learning that the Turks kept within the fortress walls, commenced their return, being armed with guns, pistols, knives, &c. &c. At present there may be about 3,000 Greeks in the town, who are employed in firing their small arms at the fortress. They have no cannon, but say they are expecting a large supply of all kinds of ammunition daily. The arrival of the Archbishop Germanos is anxiously looked for, he having been named, in this emergency, to the chief command.

'Fortunately the English schooner *Pomona* arrived from Malta on the morning of the 4th, and I lost no time in arranging with the master for the hire of his vessel to receive on board British subjects and property; I likewise offered accommodation on board to Monsieur Pouqueville, the French Vice-Consul, of which he availed himself. On the morning of the 5th, the Russian, Prussian, and Swedish Consuls embarked on board different vessels: I sent on board the *Pomona* my family and three Janissaries with those of the French Consul.

'As yet very few lives have been lost; the first person killed by the Turks was a Cephaloniot, servant to the Vice Counciller of the British Consulate, who openly joined the Greeks the day the revolution commenced. The first act of violence committed by the Greeks was the murder of a poor negro woman.'

We turn now from the text of the volume to the Appendix, for the purpose of extracting from them two documents of interest and importance, translated from the modern Greek. The first is a manifesto addressed to the Consuls of the Christian Powers at Patras, dated 26th March (old style,) 1821, and signed by the Archbishop, Bishop, and five Greek citizens. It is as follows:

'The Greeks, abandoned to the always increasing oppression of the Turks, who have sworn to annihilate them, have unanimously resolved to shake off the yoke, or die. We have taken up arms to vindicate our rights. We are firmly persuaded that all the Christian Powers will recognize the justice of our cause, and, far from opposing obstacles, will assist and succour us, in calling to mind how useful our ancestors were to humanity. In acquainting you with this, we beg you will be pleased to procure us the protection of your august Court.'

The second document is a manifesto, dated three days earlier, from the Spartan head-quarters of Calamata, and signed by Pietro Mavromicali, Commander of the Forces. It is addressed to the European Courts generally, and was enclosed in the former circular to the Consuls; it is in the following terms:

'The intolerable yoke of Ottoman oppression, after a period of above a century, had reached that height, that nothing remained to the unhappy Greeks of the Peloponnesus but the liberty of breathing,

and this served only to force out their sighs from the bottom of their hearts.

'Reduced to a condition so pitiable, deprived of every right, we have, with an unanimous voice, resolved to take up arms, and struggle against the tyrants.

'*All factions and discords amongst ourselves, sown by tyranny, are sunk in the abyss of eternal oblivion, and we now all inhale the breeze of liberty.*

'Our arms, shackled up to this hour with chains of iron, now burst their bonds, and eagerly grasp the sword to annihilate abhorred tyranny.

'Our feet—that have laboured day and night at the most cruel tasks, now hasten to vindicate our rights.

'Our heads—which bent the neck to the yoke, now plan our freedom.

'Our tongues—which before dared not utter a sound, except vain supplications for clemency, now cry with a loud voice, and make the air re-echo with the sweet name of liberty. In one word, we are unanimously resolved on Liberty or Death. Thus determined, we earnestly invite the united aid of all civilized nations to promote the attainment of our holy and legitimate purpose, the recovery of our rights, and the revival of our unhappy nation.

'With every right does Greece, our mother, whence ye also, O Nations, have become enlightened, anxiously request your friendly assistance with money, arms, and counsel; and we entertain the highest hope that our appeal will be listened to, promising to show ourselves deserving of your interest, and at the proper time to prove our gratitude by deeds.'

Appended to the sixth letter of the series, which adverts to the documents already given, is a note, written subsequently to the letters themselves, containing details of facts, which, occurring at this early period of the contest, and being narrated by an eye-witness, deserve repeating at length. The writer says:

'The moment of the breaking out of the revolution in Greece was a most interesting one. For some weeks previous to the affair of Calavrita, great distrust and jealousy prevailed between the Greeks and Turks. The latter were evidently making preparations for repairing and provisioning their old and neglected fortresses, and the task of putting them into good order had commenced. There was no longer that supineness, that absolute security, which had hitherto marked the Turkish Government. The inhabitants of the towns and villages began to look at each other with suspicion, and the Greek was bold and glib in his bearing towards his Turkish neighbour. He first insulted him in the streets of Patras, and then, contrary to the known regulations, appeared with arms. The Turk, on the other hand, instead of coming out merely with his pis-

tolis in his girdle, rarely stirred abroad without gun and sword. And yet, in spite of this state of feeling, in spite of the great disproportion in number between the two classes, the Turks forced the Greeks to drag up new ordnance from the sea-shore, and such is the force of habit, absolutely to plant it in the very fortress which was shortly to be attacked by them.

‘As soon as an open rupture had taken place, the mode of warfare between these two semi-barbarian people was strikingly characteristic. I offer a few anecdotes as an illustration.

‘The Greeks at first had no cannon, but at length they procured some four and six pounders from an Ionian vessel that was lying off Patrass, and transported them to a house, which was within one hundred and twenty feet of the wall of the Castle. They then erected a battery within the house itself, and when they were prepared, they unmasked it by suddenly pulling down the wall which intervened between them and the Castle, and instantly commenced a vigorous fire. Had these little guns been directed even to the most tottering part of the fortress, they would scarcely have moved a stone; but here, unfortunately, their battery was directly opposed to a portion of wall which the Turks had just repaired from the damage done to it by lightning. The consequence, as may easily be conceived, was, that their time, trouble, and shot were absolutely thrown away. However, they persevered, and several Greeks were killed. At last a Turk, seeing one man very busily employed at the guns, took deliberate aim from the embrasures, and shot him in the head as he was in the act of stooping to load. This poor fellow happened to be an Italian, and probably therefore was more expert at gunnery than the Greeks. The latter no sooner found their loss than they quitted their battery in despair.

‘The Turks, on the other hand, were not a whit more skilled than their enemies. In the first place, being merely the inhabitants of a town, and having no soldiers to instruct them, for there was only a nominal garrison at Patrass, not a soul knew the management of a gun; and in the second, had they possessed the requisite knowledge, the whole of the ordnance, with the exception of the new guns just received, was in such a miserable state, that nothing effectual could have been done. Many of the cannon were without carriages, and being of enormous weight, could only be moved with the greatest difficulty. The Turks might be seen hoisting and propping them up with levers of wood, and then firing in any, or rather in no direction. The Greeks in the meanwhile occupied houses close to the castle, and kept up a brisk fire of musquetry; others, however, who were not quite so brave, used to make a noise at a ridiculous distance, and expend their courage and powder most vigorously. Those within the houses usually tried to pick off the Turks employed at the cannon; and this they might do with perfect safety to themselves, for it was quite clear that there was no gunner among them who ever hit a

house by aiming at it. The Turks, therefore, were obliged to screen themselves, when loading their guns, by stopping up the embrasures with mattresses and boards, and, when they were ready to fire, these were withdrawn.

Clusters of Greeks, who were chattering away in the vineyards, would be on the look-out, and as soon as they marked the spot where the ball fell, they ran towards it and picked it up, carrying it to their magazine. If, as it often happened, a six-pound shot had been discharged by the consummate skill of the Turks out of a twenty-four pounder, the Greeks used to load their small cannon with it, and send it back again.

Thus there was a constant noise, with little execution. In spite of all their practice, there was nobody among the Turks that acquired any skill in gunnery, with the exception, however, of one man, a barber. His skill, nevertheless, was limited; for he could only fire from his own cannon, but that, to be sure, happened to be mounted. Among the earliest and the most memorable of his feats was the following: When Patrass was attacked, the Greeks used to come from the neighbourhood to assist their brethren in the town. One fine day, a reinforcement of these, coming from Gastouni, were observed from the castle, just appearing on the brow of a hill. In the midst of the troop was an unfortunate fellow mounted on a white horse, and he, by way of greater eclat, was carrying and flourishing about a white flag. The Turkish grandees who were besieged were in the habit of offering money to their gunners if they hit any object pointed out to them; and one of these told the barber, that he would give him a machmoudié if he would bring the man on the white horse down. The barber pointed his gun, and neither flag, horse, nor man, were ever after heard of. The next feat which this redoubtable barber accomplished was this: The houses in Patrass are built of mud and straw, made into a sort of brick. This is done for the sake of economy, as the soil thrown up in digging the foundation not only serves as material for the walls, but, as earthquakes are frequent, damages are thus easily and speedily repaired. One of these houses, situated just under the walls of the fortress, was occupied by the Greeks, and became, from its proximity, a source of great annoyance to the besieged. Whenever a Turk appeared, half a dozen bullets whizzed about his head, while the Greeks remained in perfect security. This went on for a long time; the guns of the fortress had been directed in vain upon it, and each man had tried his luck in hitting it, but all to no purpose. At last the barber was desired to essay his skill. Here, as in the last instance, the first shot he fired took effect, and in a moment a score of Greeks were seen issuing from a cloud of dust, some scampering, others crawling off most numbly on their bellies among the vines, and no one, I believe, ever ventured there again.

The pillage of Patrass, at which Mr. Green resided, soon followed, and on this occasion he says:

'Numbers of Greeks, chiefly old men, women, and children, took refuge in the Consulates; the French Consulate, from its extent, accommodated the largest number: I received as many as I possibly could. The Greeks in their flight abandoned the wounded in the hospital; those that were able, got on mules or horses, and escaped; three that were unable to move would have inevitably fallen into the hands of the Turks, had I not ordered them to be brought into the Consulate: the poor creatures were in a dying state; their wounds did not appear to have been dressed. I have persuaded a Zantiot, practising as a surgeon, to remain here and attend the wounded: I have superintended the dressing of their wounds, but fear no skill can save them.

'The Turks are now going about in parties, breaking open and pillaging houses. They have decapitated two or three Greeks found in or near the town, and have thrown their bodies into the streets.

'The Turks of Patrass have been shut up in the fortress eleven days, and must have suffered some privations, as water began to fail: the Greeks had also nearly completed a mine, with which they intended to blow up the place.'

The note on this letter, adverting to the means by which intelligence was first conveyed into the Turkish fort, and descriptive of the intrepidity of the messengers, is highly interesting:

'This action was probably as daring as well could be conceived, and deserves, therefore, to be related at length. Two men escaped from the fort, under favour of night, and crawling through the vineyards, reached the Morea Castle in safety. They informed Isouf Pasha that their garrison was most critically situated; that they were suffering under great privations; that their enemies were about to spring a mine; and that, unless relieved, they must all inevitably perish. Isouf was most willing to afford all the assistance he could; but the difficulty was to find any body who would go to the fort and tell the garrison so. Patrass at this time, it must be remembered, was filled with Greeks, and probably there could not have been less than five thousand men armed to the teeth. To cut their way through these, and escape death, therefore, would be a miracle. However, five hundred piastres were offered as a reward to any one who would undertake to bear Isouf's message to the fort. Two men, at length, were found, who agreed to run the risk. One of these, a fine fellow, whom I knew well, and who related the story to me over and over again, was named Delhi Achmet, or Mad Achmet. He and his companion, well mounted, set out at daylight; they avoided the most frequented paths, and at length reached Patrass. There are two roads, both leading to the town: one of these passes through it; the other merely traverses a portion, and then strikes off in a zig-zag way up the hill to the fort. When they came to the suburbs, Delhi Achmet's companion was loth to

proceed, but it was too late; Delhi soon persuaded him to follow him; and goading their horses with their shovel-stirrups, they shouted their war-cry of "Allah il Allah," and galloped furiously up the streets. The Greeks, for one moment, were taken by surprise; but the next they fired upon them from every house and corner. The Turks, on the other hand, were cheering them from the castle, as they rode. They made every preparation to facilitate their entrance, by letting down the draw-bridge. In the hurry of the thing, Achmet not only lost his turban, but was separated from his companion, who lagged behind. He, however, waited for him, in the midst of the fire, and then again they scampered up the hill, and gained the bridge in safety. At this moment a ball struck Achmet's horse, and both beast and rider were seen precipitated into the ditch, and every body believed he was killed; but here again fortune favoured him, for he was drawn up into the fort, unhurt. At the moment of his entering, there happened to be a Papa within the castle, and, as Delhi had no mind to lose his turban, he obliged him to go out and fetch it, knowing that the Greeks would not fire upon their own priest,—and this he actually recovered.'

On the 16th of April, the Turkish Pasha at Patrass gave orders for setting fire to the houses of the Greek Primates, whom he believed to be the leaders of the Revolution; and the wind being high, the conflagration spread rapidly, and threatened destruction to the whole town. It was next completely sacked, and the most frightful scenes exhibited. Forty Greeks were beheaded, and their bodies thrown into the streets, and their women and children made slaves to the Turks.

Events thicken with the progress of time; most of these described in the intermediate letters are, however, more generally known than those we have detailed. We pass on, therefore, to that dated the 24th of June 1821, in which a description is given of an act which shows that the Turks can be as cruel as it is possible to imagine human beings to be. It was intended to send a fire-ship of the Greeks into a squadron of five Turkish vessels then lying in port under blockade:

'A native of Paxo volunteered to conduct the brulot; and it was agreed upon, that when he should have steered his vessel to the corvette, he should be picked up by boats sent from his own squadron. The Turks, on the other hand, were on the watch, and no sooner saw the fire-ship approach, than they manned their boats, and rowed direct for her. The Paxiote, seeing them coming, set fire to his ship when it could not possibly be of any avail, and immediately jumped overboard, no doubt hoping to be picked up by his countrymen, as agreed on; but the Turks were too quick, and he fell into their hands. They seized the poor wretch, daubed his body with tar and combustibles, then set him on fire, and thus roasted him alive.'

This, however, is equalled, if not surpassed, in cruelty by the Greeks themselves shortly after. In a letter of the Vice Consul, dated August 31, 1821, and written from Zante, is the following description of the proceedings at Navarino, (the late scene of the naval victory of Sir Edward Codrington,) the close of which excites a feeling of indescribable horror :

‘ I now proceed to describe the events that took place at Navarin : the particulars have been given me by an Ionian, with whom I have been long acquainted, and who was present at the time. I fear the narrative is too circumstantial to admit a doubt of its correctness, indeed the principal facts are corroborated by other accounts. In April last the Turkish population shut themselves up in the fortress of New Navarin, which was not in a good state of repair, and, as usual, nearly destitute of cannon, ammunition, or provisions. The number who retired within the walls has been estimated at 2,500, including some of the inhabitants of the neighbouring villages ; of these about two-thirds were women and children. The place was closely invested by the Greek peasantry, assisted by some Ionians, under the command of Count Mercati, of Zante : all supplies or communication were cut off, and the scanty stock of provisions that had been hastily carried into the fortress soon began to fail. The water also was turned from the aqueducts, and none was obtained within the walls. This dreadful privation was more felt than want of bread, the more so, as, during the hot season in Greece, in general, not a shower of rain falls between May and the beginning of September. Disease made dreadful ravages ; and the besieged, seeing no chance of succour, entered into a negociation with the Greeks, when a capitulation was agreed upon, stipulating that the Turks should be transported in Greek vessels to the coast of Barbary. The Greek Bishop of Modon and Arcadia, who commanded, ratified this treaty by the most solemn professions sworn on the cross ; but no sooner was the fortress taken possession of, than he advised, and, indeed, insisted, on all the Turks being put to death, as the best means of getting rid of them. In consequence of this decision, after a massacre of one day, between 300 and 400 men, women, and children, were put upon the small island in the middle of the harbour, opposite the town, were stripped naked, and left to die of hunger. Their remains are to be seen to this day. Some Hydriote vessels took on board several of the chief families, under pretence of conveying them to Tunis ; instead of doing so, they were drowned or killed in the night in the harbour, which was for some time red with the blood of the victims. Of the whole Turkish population which capitulated, only 160 escaped death, and these were sold as slaves.

‘ The sailor who informed me of the massacre on board the Hydriote vessels, was an eye-witness to the scenes he related. As soon as it was dark, he said, the boats were lowered and filled with the Turks. They were rowed out a little distance, but still we could

hear in the darkness, stifled shrieks, the noise of sabres hewing, and the plunge of heavy bodies in the water. Of the poor wretches who were left on the barren rock to starve, one escaped. He lashed the putrid bodies of his comrades together, and on this, as a raft, he was seen floating towards the shore.

The Turkish navy was at that period in a state of equipment and discipline much inferior to their present condition; both these and the Greek ships have improved by subsequent exercise. Still, however, the general character given to both by the author of this volume, is, as we have reason to know, so accurate, that we are induced to transcribe from one of his notes, the account which he gives of the Turkish and Greek fleets at the period adverted to :

‘ The Turks can bring a hundred sail of armed vessels into action, though they have never produced more than fifty at once. The Tunisians, Tripolitans, and Algerines, have occasionally furnished about twenty vessels of war, consisting of corvettes, brigs, and schooners, well armed and manned, but these, though acting under the Turkish Admiral, in reality do just as they please. The Turkish naval force proper, or that which is furnished from the arsenal at Constantinople, consists of five or six three-deckers, six or eight seventy-fours, thirty frigates and corvettes, and between forty and fifty schooners and brigs. There is no regular marine, but whenever the ships are to be manned for any expedition, an impressment takes place. The press-gang run into the coffee and wine houses, where the poorer orders resort, and seize all indiscriminately, without making the least inquiry as to their knowledge of naval tactics. Nay, people quietly walking the streets do not escape. A more efficient race of sailors, however, is found among the traders of the Black Sea, and the boatmen of the Bosphorus, and these are impressed without mercy.

‘ Before the Revolution broke out, the islands of Hydra and Spezzia were obliged to furnish a certain number of seamen whenever they should be called upon by the Porte so to do, and this was a condition of their being allowed to govern themselves. This will account for so many Greeks being found in the Turkish navy at the beginning of the war, Europeans also are never wanting; but it must be stated in justice to these, that many have been regularly trepanned into their service. There are a set of wine-houses at Constantinople, which are kept by Maltese and other Europeans, to which almost all the Frank sailors resort. The landlord goes to the Turkish Capoudan, and asks if he requires any Europeans, and if so, how many. The Capoudan states the number he wants, and generally pays down the money for them. The landlord then returns to the inn, finds out all the discontented sailors in the Porte, plies them well with liquor, and contrives to make them sign a regular agreement of service. As soon as this is effected, they are immediately conveyed on board ship, drunk as they are, and most

especial care is taken that no opportunity of landing shall be afforded them as long as the vessel remains in harbour. They have the same rations as the Turkish sailor, but wine, spirits, or grog, must be paid for extra, in fact in any way that the unfortunate Christian can. Every Turkish ship, however, has a regular coffee-house on board, at which all imaginable wants may be gratified : the keeper of this coffee-house is perhaps the very scoundrel who assisted in kidnapping the Europeans, or at least he has something to do with it. If the European has need of any thing he is allowed to get it from the coffee-house on credit, and about two hundred per cent. on the value of the article is charged. The sailor, therefore, after he has served several months, so far from having any pay to receive, is told that the whole is due to the coffee-house keeper, and that moreover he has a further debt to liquidate, which of course can only be done by further service. I have more than once been called upon, officially, to liberate Englishmen who had been first kidnapped, and then cheated ; and in some instances I have been successful, though in others the terms of the agreement, signed with the man's own hand, has been shown me to prove that he was not forced into the Turkish service.

The officers of the fleet are chosen from among the soldiery, and their nomination is a matter of interest resting in the hands of the Capoudan Pasha. Nautical skill may truly be said not to exist among the Turks, and any one who has had the good fortune to have sailed with the squadron which accompanied our fleet at the time of Bonaparte's expedition to Egypt, is thought a very Nelson. With such a crew it is a matter of surprise how the Turks manage to navigate at all ; but the fact is, that the vessel is sailed and steered by Europeans, while the fighting part belongs exclusively to the Turks. I have been told, and, from what I have seen, I can easily believe, that the confusion on board a Turkish vessel is absolutely ridiculous. One-half of the men are, perhaps, horribly seasick, sprawling about the deck ; while the other half are pulling at ropes, of which they have no knowledge. The Chaouses are seen running here and there, bastinadoing right and left, and forcing the men to their duty. Indeed, the way in which the sailors are taught to handle and know the different ropes is, as I was informed, quite on a par with the rest of the system. Vegetables, pipes, pieces of cloth, &c., are attached to the rigging and cordage, and then the command is given, " haul up the long pipe ; let go the cabbage," &c.

After the news was known of the destruction of a fine ship of war, by the fire-ships of the Greeks, the panic that seized the crew of a Turkish vessel on the approach of a Greek one was excessive. Sailors on board these have told me, that nothing could exceed the scene of confusion. The guns were fired without aim, and often on the side on which the enemy was not : the men were flying here

and there, vociferating and running; many were preparing to jump overboard, and others absolutely did so. In fact, at the best of times, there is little discipline; but at such a juncture there is none. It was the knowledge of this that emboldened the small Greek vessels to approach and manœuvre round the heavy armed Turkish frigates with perfect impunity. A Greek vessel once approached a Turkish heavy frigate so close, that the anchor of the latter caught hold of some part of the rigging of the former. In an instant both one and the other ran to cut away and disentangle themselves; the Greek not liking such close quarters, and the Turk taking his enemy to be a fire-ship. Not a single shot was fired. The loquacious Greek was heard to vociferate the vilest abuse on the Turk and on Mahomet; while the grave Turk, on the other side, merely shook his finger, and invited him to fight it out hand to hand. A single broadside from a European, of half the weight of metal of the Turk, would have blown the Greek out of the water.

‘ These scenes, however, occurred in the beginning of the Revolution. Both their panic and their thorough want of skill have been bettered by experience, and in more than one instance a single Turkish vessel has fought its way through a whole Greek squadron.

‘ The Viceroy of Egypt, for some years past, has been gradually increasing his naval force, and his fleet now consists of at least sixty vessels of war. Of these, six or seven are frigates, which have been chiefly built in private dock-yards at Marseilles, Leghorn, and Trieste; the others consist of corvettes, brigs, and schooners, and, with few exceptions, the whole of these vessels are of a very superior class, and in excellent order. In action, and in the management of their vessels, the Egyptians have proved themselves infinitely superior to the Constantinople Turks; but this, no doubt, is owing in a great measure to the fact of there being many foreign seamen in the Viceroy’s service, who form part of the crew of each vessel.

‘ Such is the Turkish naval power. The Greek remains now to be described.

‘ Five-and-twenty years ago, the present populous towns of Hydra and Spezzia were two small fishing villages. About this time the coasts of Spain and France were blockaded by our vessels: the Hydriots speculated, and sent in small craft with corn to the blockaded station; and the immense profits they realized soon induced them to extend their risks. Their Admiral, Tombazi, whom I knew, informed me, that he was the first to get an American ship as a model, and from this, his countrymen constructed those vessels which have subsequently been converted into armed ones. In a few years, almost the whole of the corn-trade of the

Black Sea was in the hands of the Greeks, and the inhabitants of Hydra and Spezzia became enormously rich. At the breaking out of the Revolution, this profitable trade ceased, and their vessels returned to their respective islands without delay. With the exception of four or five three-masted polaccas, and six or eight schooners, the whole of the vessels belonging to Hydra, Spezzia, and Psara, are rigged as polacca brigs, their size varying from a hundred and fifty to five hundred tons, being pierced for twelve to twenty guns. I am unable to state the exact number of vessels belonging to these three islands at the period above alluded to, but only forty or fifty were armed and equipped during the first months of the Revolution; and at no one period does it appear that the Greek naval force sent to sea, ever exceeded eighty vessels.

‘The Greek vessels, with few exceptions, have been built from beautiful models, and sail remarkably fast: their crews have all the capabilities of good seamen, except that essential one—discipline. There are several Capitani on board, and each man has as much voice in the direction of the vessel as the Captain himself. This, therefore, gives rise to great confusion; but in the management of their vessels, they are infinitely superior to the Turks.

‘Respecting the Greek marine, however, I conceive that an erroneous opinion generally exists in Europe, as, with the exception of the Hydriots and Spezziots, experience has taught me that the Greeks are far from being experienced sailors. Few even of the Captains of those two islands have studied navigation, and that to a very limited extent; their ignorance, in this respect, being obviated by the circumstance of their rarely navigating out of sight of land. During fine weather they manage their vessels and small coasting craft very well, and even expertly; but in a squall or gale of wind, especially during the night, they generally lose all self-possession, the greatest confusion prevails, incense is burnt, the Virgin invoked, and every endeavour made to run the vessel into the nearest port for shelter.’

In a letter, dated November 1, 1821, the surrender of Tripolizza is mentioned. The writer says:

‘It is now ten days since we heard of the surrender of Tripolizza: the first tidings of this event were brought here by persons who quitted that place with the Albanian corps, and others have confirmed the fact, which cannot therefore be doubtful. I will endeavour to give you the best and most circumstantial detail of the horrible events which accompanied and followed the taking of the capital; events which are so revolting to human nature, that were there any doubts of their reality I should avoid putting them in writing.

‘In September last the Turkish garrison of Tripolizza, being destitute of provisions, closely besieged by the Greeks, and acquainted with the surrender of Arcadia, Malvasia, and Navarin, entered into

negotiations for a capitulation, on condition that their lives and property should be spared. Before this treaty was concluded, the besieged heard of the arrival of the Ottoman fleet on the coast of the Morea : this giving them hopes of speedy succour, the negotiations were broken off, and hostilities resumed. No reinforcements or supplies having been sent to the capital, the Greeks pressed the siege more closely, and the Turks, exhausted by starvation, became remiss in their defence.

' The Albanians, commanded by Elmas Bey, who formed part of the garrison, seeing no other chance of escape, secretly entered into negotiations with some of the Greek chiefs, and agreed to remain inactive in any attack on the place, on condition that they were permitted to return to their own country, and supplied with provisions. The besiegers, thus encouraged, managed by stratagem to gain possession of the gates, poured their forces into the city, and attacked the Turks vigorously.

' The first object of the Greeks was to secure and disarm their prisoners, who amounted to about six thousand men, and ten thousand women and children : exclusive of these, about fifteen hundred had been killed in the assault, and several hundreds had previously fallen victims to disease or starvation.

' The plunder was immense, as the riches of many of the first families of the Morea had been transported to the capital.

' After two days devoted to plunder and excesses of the most revolting description, the prisoners were taken out of the town, and above twelve thousand men, women, and children, were put to death by their inhuman conquerors. Some were hanged, others impaled, many roasted alive by large fires ; the women outraged in the first instance, and then ripped open, (many of them far advanced in pregnancy,) and dogs' heads put into them ; upwards of two hundred Jews, who were inhabitants of the city, were put to death, some of them by crucifixion. In short, cruelties were practised which pass all imagination.

' The chiefs, consisting of the Kayah Bey, Chamil Bey of Corinth, Mustafa Bey of Patras, the Harem of Chourschid Pasha, and many other persons of distinction, were spared, in hopes of their being ransomed by their friends. Many women and children were likewise saved, being either retained to gratify the lust of their conquerors, or sold as slaves.'

A serious disturbance at Zante itself is then described : but this has been before detailed in the papers of the day. We pass on, therefore, to other equally painful, but less generally known transactions. One of these is thus adverted to in a letter, dated from Zante, November 9, 1831 :

' I have still the painful task of recounting the particulars of an outrage committed by the inhabitants of Cerigo, the seventh of the

Ionian islands. It appears that a boat, containing about fifty women and children, and a few men, forming part of the Turkish population who surrendered at Napoli di Malvasia, arrived at Cerigo from that place, on their way to Candia. Having reached the back of the island, distant some miles from the town, the natives immediately formed a plan of putting them to death. They were suffered to land, and on pretence of conducting them to the capital, were enticed among the rocks, when they were fired on: the men, and some of the women were killed; the rest were stripped naked, violated, then tied back to back and thrown into the sea. Not a man, woman, or child, was spared; and, indeed, so secretly does this diabolical plan seem to have been carried into effect, that the Resident did not discover it for some days afterwards, and then merely by accident. Several persons were arrested, and two executed; but it is supposed that the principals escaped to the neighbouring coast of Maina.

Where so much of atrocity on both sides is presented at every page, it is difficult to make selections. Unfortunately, there are no redeeming traits; no striking acts of self-denial, of virtue, of generosity;—all is one uninterrupted tale of vindictive horror and unremitting cruelty; and the character of the events may be judged from that of the persons engaged in their perpetration. Take the following as an example, from a letter dated at Zante, May 14, 1822:

'A native of Corfu, named Nano, has lately been put to death by order of Isouf Pasha. The circumstances which led to, and attended the execution of this person, are so monstrous in their nature, that I cannot refrain from briefly giving the particulars.

... This Nano had resided many years in Patrass, with his family, and being an Ionian, enjoyed the British protection. Owing to his very irregular conduct, he was constantly involved in disputes, and, in short, was looked upon as a most dissolute character. At the commencement of the Revolution he joined the Greeks, but was soon afterwards taken in arms by the Turks; who, however, spared his life. After passing some months at Patrass, during which his conduct was of a most infamous nature, Nano again joined the insurgents at Missolongi, and apparently delighted in inventing the most cruel tortures and deaths for those Turks who fell into the hands of the Greeks: he even boasted of having assisted in binding six Turks, successively, to the cannon's mouth, and blown them to atoms. It so happened, however, that this atrocious monster again fell into the hands of the Turks of Patrass: he was immediately taken before Isouf Pasha, at the Morea Castle, and unable to deny the truth of the before-mentioned facts, which, indeed, would have been useless, as his conduct was notorious, he was condemned by the Pasha to be forced alive into, and fired out of, the largest mortar in the fortress; which sentence the Jews of the place were compelled to carry into execution!'

The following is a striking instance of the thirst for gain which may, and often does exist simultaneously with a thirst for blood :

‘ Two cargoes of wheat from Constantinople, and three cargoes from Alexandria, the latter sent as a present by the Viceroy, were landed in September, at Corinth, for the use of the troops : since that time very limited supplies have been sent by Isouf Pasha, who prohibited their free importation into Corinth by European speculators, on the plea that the provisions might be landed at intermediate Greek ports in the Gulf. This unjust and arbitrary proceeding naturally caused a great scarcity of provisions at Corinth, there being no other means of obtaining supplies. Isouf is even said to have retailed to the Ottoman troops the rice, biscuit, and flour, which he bought at Patrass of the Austrian traders, at six times the price at which they were contracted for by him. Without vouching for the truth of this assertion, suffice it to say, that famine has commenced dreadful ravages in the Ottoman camp : upwards of six thousand men have perished through starvation and disease up to the present time, and the mortality continues, increased by the heavy rains and want of shelter.’

Inferior as the Turks are admitted to be to the Greeks in naval skill, their bravery is undoubted. Take the following, as one among a thousand other examples that might be cited. It is from a letter, dated Zante, December 9, 1822 :

‘ On the 19th ultimo, six Greek insurgent vessels, and a fire-ship, passed Zante, on their way from Hydra to Missolongi : Isouf Pasha, who conducted the Turkish blockade in person, very narrowly escaped being captured.

‘ On the 20th, a severe action took place between the Greek squadron and a Turkish brig of war, which, unacquainted with the arrival of the former, was bound from Prevesa to Patrass. It was only when too late that the danger was discovered, by a general attack of the six Greek vessels, each of which mounted from sixteen to twenty guns, and were manned with from fifty to sixty men ; while the force of the Turkish brig consisted of sixteen guns, and a crew of ninety-seven men, all Turks, with the exception of one Greek sailor. The Turk sustained a close running fight for four hours, when the Greeks sent the fire-ship on board her, which was lashed to her yards, and the train fired. In this emergency, the Turkish captain ordered the mainmast of his own vessel to be cut away, which had the desired effect of disengaging the vessels, the fire-ship drifting to leeward. Thus released, the Turkish vessel was steered before the wind towards Ithaca, the six Greek vessels still pursuing, and continually firing broadsides ; they even prepared to board, but, on approaching for that purpose, were deterred by the declaration of the Turkish captain, that, sooner than surrender, or be taken, he should set fire to the powder-magazine, and blow up

his vessel. The Turkish brig at length reached the shores of Ithaca, and anchored near the town, almost in a sinking state, with the loss of twenty-eight killed, and eight wounded. The vessel was towed into the harbour of Vathi by boats, and every assistance rendered the wounded, by the British resident, Captain Knox.

‘As soon as their adversary anchored off Ithaca, the Greek squadron returned to Missolongi: they state their loss as very trivial.

‘Our naval commanders, and indeed the Ionians, speak in the highest terms of praise of the bravery of the Turkish captain, and allow it was impossible to have fought better against so very superior a force.’

In the meantime, the war having now trained men to the use of arms both by sea and land, and having inured them on both sides to the dangers of the ocean and the field, much courage was displayed by the Greeks as well as the Turks; and the impartiality of Mr. Green is seen in the acknowledgments made of this on all occasions which warrant his so doing. In a letter, dated January 15, 1823, he thus describes the evacuation by the Turks of Missolongi:

‘In reference to what I last wrote, concerning the siege of Missolongi, by Omer Pasha, I have now to state, that the whole of the Turkish forces have retired from before that place in a very sudden manner.

‘It appears that Omer Vrioni decided on making an assault on the town, as the only chance left of gaining possession of it, owing to the succours received by the Greeks, the want of provisions in the Ottoman camp, and the loss of many hundred men by sickness. Having consulted with the other commanders, Omer fixed on the 6th instant for a general assault on the place, knowing that it was the day of the celebration of Christmas, according to the ritual of the Greek Church. Every thing being prepared, the signal for the attack was given before day-break on the 6th; the advanced posts reached the walls unperceived, and under cover of a heavy fire from the whole Turkish line, attempted to scale the walls. It seems that Mavrocordato was aware of the intended attack, and had made excellent arrangements to repel it; the garrison were ready on the first alarm, and flew to their posts. Suffice it to say, that the Greeks behaved with such courage, and the Albanians were so little versed in military tactics, that the latter were completely repulsed by the besieged, in the space of two hours, with the loss of upwards of three hundred and fifty men killed, besides many wounded. It is asserted that the Greeks did not lose seventy men in this affair, which indubitably reflects the highest honour on Mavrocordato, Marco Bozzaris, and the other chiefs. A few days after his defeat, Omer Pasha commenced a precipitate retreat, abandoning his guns, tents, and baggage, which have fallen into the hands of the Greeks.

who, as soon as they discovered the retreat of the Ottomans, sent out part of the garrison to harass them.'

The sufferings of the people at Napoli give a vivid picture of the horrors of war; and the characteristic anecdote of Turkish resignation and fidelity is quite as striking in its way:

'The inhabitants and garrison of Napoli had been reduced to the most wretched condition through famine; they had subsisted for many days previous to their surrender on human flesh. The troops were so exhausted, that they literally had not strength to load and fire the guns. Soon after his arrival, Captain Hamilton landed, and obtained an interview with Ali Pasha, the Turkish Commander-in-chief; he found him apparently resigned to his fate, and in reply to the Captain's offer to do any thing which was in his power, he replied that he only wished for some fresh provisions, as he himself, in common with his troops, had subsisted on the dead bodies of their associates!—that he had defended the post confided to him to the best of his abilities; and that although he could instantly obtain his freedom by signing a capitulation, he would never do so, preferring the probable death which awaited him, rather than give the Grand Signior any cause to complain.'

Captain Hamilton humanely provided for the transport of all the Turks and their families in the Greek ships then in the harbour, to be taken to some place of safety in Asia Minor, reserving his own frigate for the accommodation of the Turkish chiefs.

'About five hundred and twenty persons were received on board the frigate, Captain Hamilton even giving up his own cabin; but the poor wretches were so debilitated, that many no sooner tasted food than they died, and we have since learned that the fever communicated to the crew, five of whom fell victims to it. Captain Hamilton is quite adored by the Greeks: indeed, during the progress of this sanguinary contest, his conduct towards each party has been most impartial and praiseworthy. In like manner, he saved several hundred Greeks when Scio was desolated by the Capoudan Pasha.'

The following anecdote will illustrate by what trifling events the fortune of war is frequently turned:

'From the Greeks we learned the particulars of their successful occupation of Napoli: it appears that a woman was taken prisoner by them, coming out of the Palamidi to gather grass, and to save her life she confessed the state the besieged were in, and added that there were no troops in the Palamidi, which consequently might be easily taken possession of by the Greeks. With this person as a guide they proceeded to the fortress, and entered it; they found only three persons, boiling grass. The Palamidi once secured, the conquest of the lower town was inevitable.'

The note appended to this letter is equally remarkable :

'The Turks informed me that they could have held out much longer, but for fear lest the hostages should suffer by their acts. It has been stated that a capitulation of this strong fortress had been agreed upon, unless the garrison were relieved within a certain time. That for this purpose hostages had been exchanged, and a little island, which had a small fort on it, and was situated in the middle of the harbour, had been given up to the Greeks. Now though the Turks could bring upwards of fifty heavy guns to bear upon it, yet when they were relieved and the terms of the capitulation became void, the Greeks not only kept possession of the island itself, but absolutely hindered any ship from throwing provisions into the town. More than once the Pasha took courage, and ordered the fort to be blown to pieces ; and once the Greeks informed me, that had he continued the tremendous fire any longer, they should have surrendered. But they stuck up the Pasha's son and the other hostages on the wall, and the poor father was obliged to give immediate orders to cease firing. It was thus by constantly threatening to destroy their hostages, that the Greeks compelled the Turks to suffer innumerable privations, to eat grass and human flesh, and ultimately to surrender, rather than allow one of them to be harmed. When the *Cambrian* received a remnant of this garrison, I saw a little girl of twelve years of age come on board gnawing the foot of an ass, the skin and sinews of which she had peeled off. Many of the others had just strength enough to get to the different ships, and then died.'

But in this long and dreary catalogue of horrors, nothing perhaps can exceed the following picture. It is communicated in a letter from Zante, dated March 24, 1823 :

'Owing to the impossibility of obtaining an adequate supply for the troops stationed at Corinth, the two surviving Pashas determined on removing the remnant of their army, leaving a garrison of eight hundred men in the Acropolis. Accordingly, Ali and Hassan Pashas, with a thousand men, arrived on the 5th ultimo at Patrass, on board the Turkish corvette and other small craft stationed in the Gulf : they ordered the rest of the troops to proceed by land, owing to the want of transports. This division only reached Patrass a few days since : it consists of two thousand five hundred men, and they appear to have suffered the greatest hardships since the period of their leaving Corinth. The division consisted of about three thousand five hundred men when they first set out, about a third cavalry, the rest infantry. They had provisions for five days, and did not meet with any opposition until they reached Akrata, where they were effectually stopped by a party of Greeks. Isouf Pasha proceeded in his squadron to their relief, but owing to the stormy weather and the nature of the coast, was compelled to return to the Morea Castle without effecting his purpose. The Greeks having gained several

advantages in skirmishes, still continued to harrass them, and receiving reinforcements, pressed the Turks so closely, that part of them were compelled to enter into a treaty to surrender, as they had no provisions left, and with their horses were actually dying from starvation. In this critical conjuncture, Isouf Pasha made another attempt to rescue them; and having hired three European vessels, in addition to his own squadron, succeeded in embarking the survivors.

'This division was under the command of Delhi Achmet, the Delhi Bashi, or commander of the cavalry of Dramali. This coast is for the most part bold and rocky, and the mountains run almost perpendicularly into the sea, leaving but a line of level road for the troops to march on. The Turks, half-famished, disheartened, and weak, crept along the sea-shore as far as Akrata, within a few miles of Vostizza. Here there is a tongue of land that runs boldly into the sea, at the back of which are the Mavralitharia, or black rocks. The Greeks, who had tracked them narrowly, occupying the tops of the mountains, while their enemies marched at their bases, now determined to enclose them: for this purpose they dug deep trenches on each side of this tongue of land: thus the Turks were shut up on a piece of ground shaped like a T: the perpendicular portion represents the tongue, while the transverse figures the coast where the black rocks have been isolated by the two trenches. In this spot the Turks remained one month, and the privations they underwent almost exceed belief. Delhi Achmet himself told me that for three weeks they lived on horse-flesh; that then they resorted to human flesh. They fought over the graves of their comrades whom they had buried in the morning, and dug up at night to satisfy the cravings of hunger.'

The open traffic of the Greeks in the sale of the Turkish women and children who became their captives, and whom they sold into slavery, is detailed, and proved beyond doubt, (see p. 148;) and an affecting account is given of a family rescued by the Consul from the sufferings of such a state. The following account of the utter destruction of Patrass, the place of Mr. Green's former residence, which he had visited after its fall, is also striking:

'After my visit, I traversed the ruins of the once beautifully situated and populous town of Patrass; of four thousand houses, only ten or twelve remained, and those under the walls of the fortress. The rest of the town was so completely destroyed that I was unable to find the site of my own house until it was pointed out to me, and I then only recognized it by the pedestal of my flag-staff, which yet remained, and the stocks of two favourite orange-trees, which, though burned close to the ground, were beginning to shoot out in fresh vigour through the surrounding ashes.'

The continuation of the contest seems to have increased rather than abated the fury of the combatants: and, accordingly, every sue-

seeding day appears to have furnished new proofs of the implacable hatred between the opposing parties. In a letter, dated from Zante, December 23, 1823, Mr. Green says :

‘ I have now to give you an account of another of those gross outrages, which have been committed by the Greeks, at various periods of the present Revolution. The Greek squadron above alluded to, passed Zante on the 9th instant ; the next day, when between Ithaca and Missolongi, they fell in with a Turkish brig of war, proceeding from Prevesa to Patrass, with passengers and specie. The Turk sustained a running fight for several hours with all the Greek vessels, but the wind being directly out of the Gulf of Lepanto, she was steered towards Ithaca, on which island the vessel was run on shore in a sinking state. As soon as the Ottoman brig grounded, the survivors on board commenced landing, which they effected in their boats and by swimming. Boats were instantly dispatched from the Greek division, in order to plunder the vessel, and they obtained possession of the specie. The wounded Turks found on board were instantly put to death in the most brutal manner ; but not content with their success, the Greeks landed, pursued the survivors, some of whom they overtook, murdered and plundered. The bodies which were afterwards found on the beach, by the Ionian authorities, were mangled, pounded, cut up ! The Captain of the port saw a Greek sailor kill a Turk, take out his knife, rip up the body, and hack the limbs to pieces ; he then put his knife into his mouth, and walked down the beach exultingly.’

The observations made by the writer, on his first hearing of the Greek loan raised in England, prove how accurately he was informed of the state of Greek affairs, and circumstances have since unhappily shown that all his anticipations were well founded. In a letter, dated Zante, April 6, 1824, he thus adverts to this subject :

‘ Accounts have just been received in Zante from London, stating that the Greek Deputies, Orlando and Louriotti, have succeeded in negotiating a loan on account of the Provisional Government of Greece, to the amount of 800,000*l.* sterling, at the rate of 59*l.* for every 100*l.* stock, said stock to bear an interest of five per cent. per annum. It is further stated that this loan is in such favour, that many of the original subscribers to it have already reaped considerable benefit by selling their share at a premium, thus not only securing to themselves a certain profit, but throwing all the ultimate risk on others. Although I can perfectly comprehend that the present, like many other loans, has been raised in London, not in the view of investment of capital, but for the purposes of speculation, still, if we look to the actual state of Greece, it is difficult to imagine how the proposition could have been entertained for a moment. Here, on the spot, in the centre of the Revolution, we know of no recognised or established government, no responsible persons, and certainly of no real security that can be given for the re-

payment of the debt. The Greeks are not only disunited, but are at this moment actually engaged in civil warfare. Some of the late members of the Executive Government, incensed at being turned out of office, on account of their attempts to destroy the newly-established system, have refused to resign, and retain possession of some of the principal fortresses of the Morea. Pano Colocotroni is shut up in Napoli, and other rebellious partizans are besieged in Corinth by the Constitutional forces. Colocotroni the elder, Petro Bey, and some other disaffected chiefs, are at Tripolizza, with their adherents. In this dreadful state of anarchy and confusion, individual force may safely defy the power of the law; personal security is overthrown; and the Greek and the foreigner are alike exposed to violence and rapine.

‘But even though Greece should succeed in restoring unanimity, in conquering her independence, and establishing a permanent and solid government, the holders of these bonds will have but little cause for congratulation, unless she is also able to raise a sufficient revenue to pay the interest of the debts she will have incurred. Whence such a revenue may be obtained, I confess myself utterly at a loss to conceive. Agricultural produce is the only article of home production; and they must be more sanguine well-wishers to the cause than I am, who can calculate on deriving from such a source a revenue that shall support the civil and military establishments of the country, and furnish a surplus for the interest of foreign loans.

‘Looking, however, to the effect which this acquisition of capital will produce, when it is paid over to the Greeks, I am inclined to believe that it will materially assist them in the advancement of their cause, if it is made use of with the least degree of prudence; it will also be an inducement to many of the adherents of the Colocotroni faction to go over to the party who are able and willing to pay them. At the same time, is it not to be feared, that great part of the money may be misapplied or retained by those who have the direction or distribution of it? I have been induced to make these observations relative to the Greek loan, and the present state of political affairs in Greece, from the conviction that the Greeks have not at all advanced in their professed object of establishing an Independent Government. In this opinion, I am aware of differing from most people, and the result of this sanguinary contest alone can prove whether I have erred in my views of it or not.’

He adds, in a note, that he does not perceive the slightest probability of the repayment of either interest or capital, which we fear is really beyond all hope. Our space compels us to pass over much of great personal interest relating to individuals most conspicuously engaged in the Greek cause. The following, however, is a striking instance of want of principle or caprice:

‘The Greek Senate, perceiving the desperate situation of affairs

in the Morea, especially after the conduct of their troops towards its President at Calamata ; hoping to conciliate the disaffected, and being, in fact, without any military leader of talent, decided, in full council, on the expediency of releasing Theodore Colocotroni, who had been confined some weeks at Hydra, charged with high treason. Instead, therefore, of being brought to trial, and suffering capital punishment, as probably he had reason to expect, this chief has actually been set at liberty, and having taken the oaths of allegiance in the church at Napoli, in the presence of the authorities, sworn to defend Greece to the utmost of his power, and exterminate its oppressors, has been publicly recognized as Captain-General of the Greek armies. Colocotroni immediately proceeded to Tripolizza, and endeavoured to collect together the panic-struck soldiery, but has not as yet succeeded in raising a body of 2,000 men. This extraordinary proceeding of the Senate cannot fail to open the eyes of those who hitherto have been blind to the real state of affairs. The Government must be weak and imbecile, indeed, when it can resolve on such a measure, by which it virtually places the destinies of Greece in the power of a man, whose character the Senate itself, a short time previously, held up to the nation as that of an anti-patriot and traitor.'

Nor is the following more honourable to the character of the parties implicated :

'Accounts have been received here of the perpetration of another of those monstrous outrages which have already so frequently occurred. However disgraceful and revolting to human nature former similar acts may have been, the present must be characterized as one of peculiar atrocity, inasmuch as it has been perpetrated by men calling themselves Christians, and at a time when the advocates of Grecian emancipation had vainly boasted that the Greeks had learned to be merciful and just. It appears that five or six days ago an account reached Hydra of the destruction of a vessel and crew belonging to that island, stated to have been caused by a Turkish slave, who, having been struck by the Captain, in revenge fired the powder magazine, and blew up the vessel, himself, and all on board. Who survived to tell the tale (in itself sufficiently improbable) does not appear, but it was no sooner made known in Hydra, than the populace tumultuously assembled, forced open the prison doors, dragged forth the Turkish prisoners, and butchered them on the spot. Not content with these victims, they put to death every Turk they could find in the town, or on board their vessels, and the total number thus immolated in the space of a few hours is stated at a hundred and eighty to two hundred persons ! The Primate did not attempt to interfere ; indeed, it is easy to imagine, from their known imbecility, and the character of the Hydriots, that their interference would have been unavailing.'

The conduct described in the ensuing paragraph, will be more

easily credited, after the obstinate resistance made by the Turkish and Egyptian fleet at Navarino, when opposed to the Allied squadrons of Europe. In a letter from Zante, dated July 13, 1825, the Consul says :

‘The Egyptian fleet has returned for the *fourth* time to the Morea, accompanied from Suda by the Capoudan Pasha’s fleet ; they arrived safe at Navarin on the 4th instant, and have landed five thousand Albanians, to reinforce Ibrahim Pasha’s army. The disembarkation having been effected, the Capoudan Pasha sailed for Missolongi with his fleet, consisting of fifty-five vessels, of which number only two are transports with provisions, the Greeks having captured the others on their voyage from Constantinople. The frigate bearing the Capoudan Pasha’s flag, and having on board his treasure, was also destroyed at the same time by the Turks, to prevent her falling into the hands of the Greeks. The particulars of this action were told me by three English sailors, who had been cajoled into the Turkish service, and were on board a brig at the time the Capoudan Pasha’s frigate was destroyed. She was quite new, having been just launched from the arsenal at Constantinople, and had all the money destined for the troops on board. It is well known that the rigging of a new ship requires, in sea phrase, ‘to be set up,’ as the ropes do not acquire their greatest tension for some time, but the Turks, who in this, as in every instance, have proved their thorough want of naval knowledge, permitted the rigging to flap about loosely. The consequence of which was, that a slight breeze carried away the three top-masts, and the vessel became almost unmanageable. The Greeks, as soon as they perceived the state in which she was, sent down a couple of fire-ships upon her ; but the dogged valour of the Turk would not permit such a triumph to the enemy. The Captain fired the magazine, and blew himself, crew, and treasure, into the air. About thirty, however, who had either jumped overboard, or had miraculously escaped, were picked up.’

To show, however, that equal credit can be given to the Greeks when thought to be their due, and to evince the impartiality of Mr. Green, as an historian of his own times, we give the following from the letter immediately succeeding, dated August 6, 1825 :

‘I now come to the detail of one of the best concerted and most successful enterprises that have occurred during the present struggle. The Greeks, as before stated, having collected a fleet of from thirty-five to forty vessels, within sight of this island and of the Capoudan Pasha’s fleet, in the night of the 4th instant, forced a passage through the Turkish guard-ships, and, under cover of the night, succeeded in the important object of relieving Missolongi. The Capoudan Pasha bore down on them early the next morning, when the Greeks made a most gallant attack on the Turkish fleet, burnt two vessels, and two of their fire-ships having approached the Capoudan Pasha’s frigate, he set all sail. His example was followed

by the rest of his fleet, and they passed Zante yesterday, steering to the southward. The Greeks did not chase them. At the time the Turkish fleet came in sight, there were seven Greek vessels cruising off this place, which, in the first instance, run down to the south of the island, but afterwards formed, and actually endeavoured to bring the Turks to action; but the latter avoided it, and hauled their wind to get clear off! More cowardly, dastardly conduct, was, perhaps, never witnessed; and the Greeks, on the other hand, merit all the praise bestowed upon them here.'

Passing over the account of the events that followed the fall of Missolongi, which, though full of interest, is too long to be given here, we come at once to the concluding Summary of the Volume written under date of October 18th, 1827, and containing a comprehensive, and, as it appears to us, perfectly authentic view of the affairs of Greece by sea and land, up to the period of the Treaty of Intervention by the Allied Powers of Europe, and the battle of Navarino, which is fresh in every one's recollection. With this Summary we must conclude our account of a work from which we have been induced to draw the more largely, inasmuch as its evidence is of so opposite a complexion to that of all the other publications we have hitherto seen on the war in Greece,—though equally entitled, we think, to general credit. The writer says, in reference to the preceding parts of his volume:

'The foregoing letters contain a connected narrative of the principal events of the Greek Revolution, from its commencement in April, 1821, down to the occupation of Missolongi by the Egyptians, in April, 1826. Shortly after that event, the Vice-Consul returned to England, the British Government having decided on the inutility of keeping up the Consular establishment in the Morea, while the distracted state of affairs completely suspended our commercial intercourse with that Peninsula. Having, however, a younger brother residing in Zante, I have constantly received, up to the present time, regular communications respecting the operations of the belligerents, and should have continued my Extracts from his Letters, had I not found, on a re-perusal of them, that so very little had been done by either party since the occupation of Missolongi, that the whole may be very briefly summed up.

'The Turkish and Egyptians fleets have retained their superiority at sea undisputed, and it would appear that the means thus afforded of supplying their troops in the Morea, has been considered a sufficient advantage; these powerful naval armaments not having *even attempted to strike a single blow.*

'On the other hand, the Greeks, finding by experience, that they could not cope with so formidable an enemy, have wisely returned to their islands, and, with few exceptions, dismantled their vessels.

‘ It may be here mentioned, that the inhabitants of some of the islands in the Archipelago, finding that occasional acts of piracy had in most cases escaped punishment, proceeded to fit out small craft and even brigs, and commenced a regular system of plundering every defenceless vessel, of whatever nation, that unhappily fell into their power. Notwithstanding the number of English merchant vessels which have been plundered of valuable cargoes, and the revolting treatment of their crews, our naval force has not only failed in putting a stop to these outrages, but they have increased to such an extent, that besides the premium of insurance on Levant risks having been raised to nearly treble its former amount; it has become necessary, for months past, that our merchantmen should proceed to Malta, and there wait, at serious inconvenience and expense, until a convoy is appointed for their protection.

‘ In justice to the Turks, on other hand, it should be stated, that from the commencement of the Revolution, to the present time, no act of piracy has been committed by any of their cruisers.

‘ In September, 1826, the new armed steam vessel, built for the Greeks in the river Thames, and under the command of Mr. Hastings, after experiencing great difficulties, arrived at Napoli. Soon afterwards, a ship, about two thousand tons register, mounting sixty guns, which had been built in America, also arrived at Napoli, both which circumstances, added to the expected arrival of Lord Cochrane, once more excited the hopes of the desponding Greeks.

‘ In the beginning of 1827, General Church, and Lord Cochrane, arrived in Greece, and were soon afterwards named military and naval Commanders-in-Chief. His Lordship quitted the schooner in which he had been previously cruising in the Mediterranean, and assumed the command of the American ship, which had been named by the Greeks the *Hellas frigate*. The greatest part of the American crew which navigated the vessel to Greece, are stated to have quitted her soon afterwards, and were replaced by Greeks, under the immediate direction of Admiral Miaulis, who embarked on board at the request of Lord Cochrane: his Lordship had also in his pay some English officers and seamen.

‘ A few Greek vessels having been equipped, and a land force collected, it was determined to attempt the relief of the Acropolis of Athens, and the expedition sailed about the end of March for the Piræus. An army had been collected by the Greeks in the vicinity of Athens, represented as the largest force they had ever yet brought together in the field: with this force communications were opened, and offensive operations commenced. A small fort, near the Piræus, capitulated on the 28th April, honourable terms having been granted; but no sooner were the garrison, of three hundred men, in the power of the Greeks, than they were shamefully butchered. This

infamous act having been witnessed by Lord Cochrane, he thought it expedient to publish an address to the Greek Marine, disclaiming all participation in the outrage, which he designates 'as the most frightful he ever beheld.' Shortly after this occurrence, the combined Greek forces, under the orders of Church and Cochrane, made a general attack on the Turks besieging Athens; but in few hours were completely defeated, with considerable loss, and, it is said, the two Commanders with difficulty saved their lives, by flying to the ships.

Lord Cochrane then sailed for Patrass, with the frigate and steam vessel; and when off Cape Papa, within sight of Zante, had an action with two Turkish corvettes, which lasted several hours; but, strange as it may appear, his Lordship was here again unsuccessful, as both the corvettes escaped, and subsequently reached Alexandria in safety.

After this failure, Lord Cochrane appears to have returned to Napoli, and being joined by about twenty Greek vessels, decided on attempting the destruction of the Viceroy's fleet, then fitting out at Alexandria. Thither the expedition sailed, and having arrived off the port, on the 16th June, hoisted Austrian colours; but since the former similar attempt made by the Greeks, the Viceroy had adopted strict precautions, and constantly kept a vessel of war cruising outside the harbour. The Egyptian cruiser recognized the Greek vessels at once, and giving the alarm by firing guns, attempted to make the port: failing in doing so, she was run on shore. A fire-ship was sent to burn her, without success: a second succeeded, and she was destroyed. By this time the alarm on shore had become general. Mehemet Ali immediately proceeded to the harbour, and by his presence and exertions got twenty-four vessels out to sea, which was the exact number of the Greek force. These, however, did not remain to fight, and were chased by the Egyptian fleet as far as Rhodes, when the pursuit was abandoned, the latter returning to Alexandria, after being joined by the two corvettes attacked by Lord Cochrane off Cape Papa. These repeated failures, although no doubt principally caused by Lord Cochrane's having Greeks under his orders, and brave and determined enemies to deal with, appear to have made the Greeks dissatisfied with their two English Commanders-in-Chief, and (as it is said) Miaulis quitted the *Hellas*, and again assumed the command of his own brig. On the 2d of August the Greek frigate and a brig appeared off Zante, steering for the Bay of Patrass, where two Turkish vessels, a corvette, and schooner, then lay. During that day a heavy firing was heard, and the next the frigate was seen towing the corvette, which she had captured, and it is believed the schooner also. The Ionians are described as having given way to the most extravagant joy on occasion of this first success of Lord Cochrane, although the great disparity in size

and weight of metal could hardly leave a doubt of the result. The last advices received, state that the steam vessel had been laid up, as her engines had become unserviceable, and the Greeks had no means of repairing them.

‘ The only fortresses remaining in the possession of the Greeks are Napoli di Romania, Corinth, and Napoli di Malvasia. The possession of the latter is of little importance to either party, but Ibrahim appears to be fully aware of the improbability of obtaining possession of the others, except by bribery. From what has recently transpired, there can be little doubt of his having very nearly possessed himself of Napoli di Romania by such means.

‘ The Seraskier invested Athens in June, 1826 : the town was occupied by his Albanians, while the Acropolis, in the centre of it, was defended by the Greeks.

‘ The fighting was confined to occasional skirmishes, as the Seraskier appears from the first to have determined to starve the garrison into a surrender. At one time, when at the greatest extremity, they were relieved in a very gallant manner by Colonel Fabvier, who threw some provisions into the Acropolis, and entered it with a few men. After the failure of the second attempt to relieve the place by General Church and Lord Cochrane, the garrison capitulated, on condition of being permitted to retire.

‘ The Acropolis was taken possession of by the Seraskier in June 1827, the conditions of the capitulation being respected.

‘ In Roumelia, Albania, Epirus, &c. tranquillity has been preserved by the Turks up to the present time, nor have the Greeks resumed the offensive, or offered the least resistance in that quarter since the fall of Missolongi.

‘ Thus, then, it appears that at the present moment the Insurgents are reduced to the possession of three fortresses in Greece, and that, although the different districts are still occupied by their inhabitants, (some having even submitted,) *the whole of Continental Greece, with the exception of the district of Maina, is in the power of the Ottomans.*

‘ The Hydriots and Spezziots have retired to their islands, without much probability of their again fitting out fleets, as the *small proportion* of the two English loans which ever reached Greece, have long since disappeared, and it is well known that from the very first of the struggle, those islanders would never stir without being paid for their services *in advance*. From the same cause, no army, or military force, has ever been kept together for any length of time, and the notorious chief, Colocotroni, who really had more influence over the Greeks than any other commander, seems to have been a mere passive spectator of events during the last twelve months.

TO ENTHUSIASM.

AND so the cold world calls thee madness !
 By the unwasting lamp of truth,
 I would not change thy wildest sadness
 For all the highest joys of youth !

If thou art *madness*, let me be
 Ne'er free from *such insanity* !
 No *lucid* interval I crave—
 A hopeless maniac to my grave !

Gladly through life's dull path I'd stray,
 And scare my fellows from my way ;—
 Yes, let me ever feel thy power,
 Nor *know* a *reasonable* hour !

When Nature's scenes before me lie,
 Beat in my breast, gleam in mine eye,
 And be in every glance up-given,
 Towards the great bestower, Heaven.

When music's voice swells on mine ear,
 Oh ! brightly tremble in my tear :
 Let every glittering tribute show
 How deep, how fervent is thy glow,
 As in the thunder's copious shower,
 The electric flame's enkindled power.

If pity plead, if sorrow tell
 Her tale of griefs and injuries,
 Let my full heart like torrent swell,
 Rush the proud tear-drops from my eyes.

And while in every burning word
 The spirit's faithful voice is heard,
 The labouring expression show
 It cannot half reveal its glow.

Yes,—I most ardently invoke
 Thus, thus thy soul-exulting yoke ;
 My beating heart, my burning brain
 Throb to be subject to thy reign :
 From the cold reasoning world estranged,
 They'd be for ever deem'd deranged—
 In word, in thought, and feeling changed.

Oh ! thou'rt to me another name
 For quenchless genius' sacred flame ;

For pure devotion's highest sigh,
Fit for the ear of Deity ;

For heavenly compassion's glow,—
All else is but deceit and show.

What is the minstrel strain without thee ?

A stagnant stream that none will quaff ;

Let the poor mediocre flout thee,

And set up his unmeaning laugh ;

And call thy flight extravagance,

Presumptuous thy heav'n-searching glance ;

Be thou my leader through the spheres ;

Of song, oh ! bear me on thy wings,—

Thy eagle wings, to where appears

The palace, whence the day-god springs

Up from the bosom of eternity ;

Thy own high hour, for this gave birth to thee.

What is the preacher's ?—let them say,

Who hear on every Sabbath-day

The hopes of heaven, the threats of hell,

Dealt out like drowsy parish-bell,

In sounds that lull them all asleep

Upon life's almost nodding steep ;—

Were but thy rousing influence there

In faithful voice, in pleading tear,

The words, the looks, the tones that speak

The undaunted spirit that doth seek

All reckless of their smile and frown,

Their everlasting happiness,

Could human hearts such chillness own,

Those hearts that in pursuit of bliss

Rack nightly, daily, nerve, and pain,

With ceaseless labours to obtain.—

No, sweet Enthusiasm ! here

Thou dost with thy true name appear :

Zeal for the cause of Heaven, and Love

To the whole race of human kind,

That fain would carry all above,

Nor leave one erring breast behind.

Oh ! darkest, worst, insanity ;

To take the name devoid of thee ;

Such guilt is blended with that madness,

As shadows angel brows with sadness,

Waiting in vain repentance's voice,

To bid their hallow'd breasts rejoice,

And burning for the avenging blow

To lay the robber shepherd low.

S. E. H.

ORIGIN, HISTORY, AND PRESENT STATE OF THE CENSORSHIP OF THE PRESS IN INDIA.

THE last arrivals from India bring accounts of the suppression of another Public Journal in Bengal—‘THE CALCUTTA CHRONICLE,’ and of the establishment of the Censorship in the small settlement of Singapore. It would seem, therefore, that all the efforts hitherto made to stay the progress of Despotism, as exercised over the thoughts and words of men, have been hitherto wholly unavailing in that enslaved quarter of the globe; and that its power and influence is on the increase rather than on the wane. It is time, therefore, that we should renew our endeavours to draw public attention in England once more to this painful subject; and that we may execute our task with greater effect, we think it necessary, in the present instance, to go back to the origin of this degrading and ignominious curse.

We propose, therefore, to examine the right, expediency, object, and occasion, of establishing a Censorship of the Press, or an absolute despotism, in India, of which we have already witnessed so many of the calamitous results. If it should be asked, what, in the absence of all efficient responsibility, can be the use of discussing the measures of public men?—we reply, that if, by connivance, great state delinquents are exempt from formal and official punishment, their names are still liable to be branded with infamy in the opinion of their contemporaries, and to be handed down to the just execration of posterity, a warning to deter others from imitating their nefarious example. Even in a view of retribution, is it nothing, that thirty years after their perpetration, the political sins of the great should, in a permanent form, be brought up in judgment against them? For the edification and lasting benefit of mankind, is it not important that the records of crimes against the freedom of communities should be multiplied in every possible way, and transmitted through every possible channel, to distant climes, and to future generations?

First, then, as to the right of laying a previous restraint upon publications in any part of the British dominions, ‘the power of King, Lords and Commons, is not an arbitrary power. They are the trustees, not the owners of the estate. The fee simple is in us. They cannot alienate, they cannot waste. When we say that the legislature is supreme, we mean that it is the highest power known in comparison with the other subordinate powers established by the laws. In this sense, the word ‘supreme,’ is relative, not absolute. The power of the legislature is limited, not only by the general rules of natural justice, and the welfare of the community, but by the forms and principles of our particular constitution. If this doc-

trine be not true, we must admit that King, Lords and Commons, have no rule to direct their resolutions, but merely their own will and pleasure. They might unite the legislative and executive power in the same hands, and dissolve the constitution by an act of parliament.*

How absurd is it, then, even in imagination, that powers which are not constitutionally possessed by the higher authorities of the state, may be delegated by them to subordinate agents; or that those agents may constitutionally assume powers which are not of right possessed by their superiors? When the governor of a colony or a province exercises a despotic power, his conduct is equally unwarrantable, whether it be by virtue of his own authority, or of an unauthorised delegation. In establishing an absolute control over the Press in India, and consequently annihilating every other species of liberty, of which a Free Press is the sole efficient guarantee, the Marquis of Wellesley, the original forger of these fetters, committed high crimes and misdemeanors, which cannot be wiped away, or in the smallest degree diminished, by the approbation of his conduct, supposing him to have received it, by the Court of Directors, the Board of Control, or the Legislature, or all of them united. By sanctioning his measures, these bodies, without being able to legalise them, would merely render themselves participators in his crimes.

Next, with respect to the expediency of such a measure, it is obvious, from the existence of the liberty of the Press, unquestioned for the centuries during which we had previously held possession in that country, that there was even no direct pretext, and much less any necessity, for its adoption in India. If a Free Press could have existed without injury during the whole of that long period, surely it could not have become dangerous at the moment when improvement had arrived at so advanced a stage. There is, indeed, no country in the world where the perfect freedom of the Press would be more useful, whether to the governors or to the people. It would have prevented the Vellore and Barrackpore mutinies—the Benares and Cuttack rebellions, and many other of the calamities which have happened in India since the establishment of the Censorship. If that country were invaded by a ferocious and despotic enemy, what motive of resistance could be so powerful as the knowledge among the inhabitants that they had the very palladium of freedom, a Free Press, to contend for! Even in our West India colonies, of which the inhabitants are chiefly in personal bondage, no restrictions on the Press exist, or have ever been attempted to be imposed; and we hear of no mischiefs arising from its licentiousness. Thus, then, whether in countries possessing entire freedom, in those where personal bondage exists, or in those enjoying intermediate

* Junius's Dedication to the English nation.

degrees of liberty, the danger of a Free Press to the state is always chimerical ; whilst to evil-doers only is its terrors real.

To protect evil-doers, great state delinquents, from the only species of responsibility now existing in the British dominions, was the undoubted object of the Marquis of Wellesley's efforts to extinguish the liberty of the Press, and, consequently, every other species of freedom, in India. It was the first of a series of conspiracies, which were contemplated for the purpose of upholding the existing system of oligarchic misrule against the influence of increasing knowledge and civilization ; and which, it was hoped, would create less alarm, and excite less attention, from the scene being laid in the remotest portion of the empire. It was a deep-laid scheme to familiarise the mind to restraint in the colonies, and to serve as a precedent, which might afterwards be applied, in due season, at home. Is it not notorious, that projects for establishing a Censorship of the Press in England were seriously discussed in the cabinet about the period of passing those odious laws, known by the name of *the Six Acts* ? And upon those insensate and libricide plans being abandoned, as too hazardous an experiment upon the patience of the people, the principle was attempted to be acted upon, in a less direct and more insidious manner, in 1821, by a self-constituted body, calling themselves 'The Constitutional Association,' but better known to the public, from the place of their assembling, and their odious functions, as 'The Bridge-street Gang.' The object of their association was, by prosecutions, persecutions, and other foul and indirect means, to stifle all discussion that might not suit them,—every thing, in short, which did not sing the praises of corruption and abuse ; and, in a moral view, the means did not reflect disgrace upon the end. The body consisted of 500 or 600 members, lords, commoners, clergymen, lawyers, officers, and women,—a sixth part of the whole being ministers of the Established Church. The warfare between them and the Press commenced in the spring of 1821, and was not of long duration. On the one side, it began by prosecutions against editors and writers for alleged libels ; on the other, by an analysis of the gang, and an exposition of their objects and motives. The attack on the Association was led by a weekly journal, called 'The Independent,' which was soon joined by the periodical press of England in general ; and this phalanx, formidable from their rank, number, and wealth, with the *Great Captain of the Age* at their head, was speedily discomfited, dispersed, and annihilated.

It was about this period, and in the mayoralty of Mr. Alderman Atkins, that the progress of disloyalty and sedition appeared so alarming to that venerable person, as to give rise to the expression of apprehensions ; that the inhabitants of London might, upon getting up some morning, find their throats cut, and the city laid in ashes ! These terrific recollections were doubtless the creation of a conspiracy ; and

an article from the weekly paper named, published at that period, thus concludes: 'That a plot does actually exist for destroying the freedom of the Press, under the very stale pretext of restraining its licentiousness, and that this plot has nothing less for its object than the imposition of a previous censorship, (in England,) we have now, we think, fully proved; and it remains for the public to inflict justice upon the conspirators. The Press has "bound them, and dragged them to the altar."'

The identity of views manifested by the Asiatic transactions of the Marquis of Wellesley respecting the Press in 1798, which we are now about to narrate, and the domestic proceedings of 'The Constitutional Association,' or Bridge-street Gang, of 1821, of which his brother, the Duke of Wellington, was a leading member, is not a little remarkable. It is also an extraordinary coincidence, that this Association should have presented a bill (which was thrown out with indignation by the Grand Jury) against the same individual, whom the noble Marquis had twenty-three years before expelled from India, (without a trial,) as constituting, at that time, the only obstacle to his establishment of a Censorship on the Press of that country,—we mean Dr. Maclean.

Whether we view the more recent or intermediate transactions of these two brothers, or the general tenor of their political conduct through life, we shall find them to have been invariably the enemies of freedom, and the friends of despotism. When, in the contest against Napoleon, it was wished to call forth the energies of the Spanish nation, every encouragement was given by Britain to the Cortes, seeing that by a representative government this object could be most effectually accomplished. These brothers were the principal agents employed. When, by the re-action which Bonaparte had created against himself, he was overthrown, the Cortes and the representative government of Spain, which had the most powerfully contributed to that event, were, without scruple, left to be sacrificed to the despotism of Ferdinand VII. The treachery by which Spanish freedom was overthrown, and arbitrary power restored in the Peninsula, upon this occasion, must have been at least connived at, if not actually promoted. Did either of these brothers, when so many of the representatives of the Spanish nation, who would not have exposed themselves to the dangers of such a situation but for British encouragement and promises of support, were dungeoned, transported, tortured; or otherwise destroyed, ever interpose their good offices with Ferdinand in favour of humanity? Did they ever raise their voice in the British Senate in reprobation of his barbarities; or suggest any means for rescuing the Spanish patriots, victims to British seduction, from the persecutions of tyranny and fanaticism? Not that ever we have heard of. And it is of essential importance at all times, but at a moment like the present especially, that the British people, not judging from a few trivial circumstances, wherein men

might venially err, but from matters of great importance, and from a long uniformity of conduct, should become fully acquainted with the characters of their public men, aiming at high power in the state.

From our first possession of a settlement in Hindoostan to the year 1798, no previous restraint existed on the liberty of the Press in British India. It was in the summer of that year, a very few months after his arrival in Calcutta, that the Marquis of Wellesley commenced that series of operations against freedom of discussion, which terminated in the establishment of an *Imprimatur*, and the consequent extinction of every species of freedom in the Company's territories. We shall begin by inserting the letter of Dr. Maclean which gave rise to the commencement of this warfare; and as it will appear quite incredible to all persons in their senses, that such a document could have been thought by any human being to call for or to justify the proceedings which followed, we rejoice that the actual presence, among the Directors of the East India Company, of Mr. H. St. George Tucker, who wrote the first official letter upon this occasion, being then one of the Secretaries to the Government of Bengal in the judicial department, affords so good an opportunity, after such a lapse of time, of verifying the facts of the case. The letter was as follows:

'To the Editor of 'The Telegraph.'

SIR,—I request you will contradict the account which, through some very gross misinformation, was inserted in the last "India Gazette and Hircarrah," announcing the death of Mr. Allan Maclean, said to be shot in a duel at Benares. I this day received a letter from that gentleman, mentioning, indeed, some circumstances which, if his antagonist had not possessed an uncommon degree of prudence, might have led to that catastrophe; but I am happy to add, that that the only disagreeable effects of the rencontre have arisen from the interference of the Magistrate of Gauzeepore, whose conduct, upon this occasion, I shall take a due opportunity of appreciating. I am, Sir, your obedient servant,

'CHARLES MACLEAN.

'Calcutta, April 27, 1798.'

The circumstances of misconduct, on the part of Mr. Rider, the Magistrate of Gauzeepore, (it is fitting that the name should be recorded,) were these: On the complaint, by Mr. D'Aguillar, partner in an indigo work with Mr. Maclean, of an assault which he had purposely provoked, the Magistrate, without a hearing, committed Mr. Maclean to prison, refused to take bail, embarked him for Calcutta under a guard of a havildar, naik, and twelve sepoy, in a common pattella, or baggage-beat, without a decent chupper, or roof, to ward off the rain. In this boat he was confined for upwards of a month, with no less than four sepoy constantly as centinels over

him, exposed to wind and weather, and sitting all night in the rain, ready to jump over board, every moment expecting the boat to be dashed to pieces by the severe north-westers prevalent at that time of the year. The immediate consequence was a deafness, under which he long laboured.

At Patna, Major Macrae, Captains Macleod and Cameron, and the Rev. Dr. Mackinnon of the 76th regiment, publicly applied to the Judge for Mr. Maclean's release, offering security for his appearance at Calcutta; but he declined interfering with the orders of the Magistrate of Gauzeepore. Such, however, was the sovereign efficacy of the promised appreciation of the conduct of this ignorant, partial, and despotic Magistrate, that the Government, apprehensive also of their own share of the appreciation, thought fit to issue orders for the release of Mr. Maclean, which met him at Monghyr. This pointed condemnation of his conduct presents a very characteristic inconsistency with the support which the Bengal Government, in the subsequent proceedings, thought fit to afford to this minion of a Magistrate. But the most curious part of the history is, that the whole of this assault and imprisonment was a manoeuvre resorted to with the view of getting possession of the indigo works, in which Mr. Maclean had an interest, and at which he resided.

To these infamous proceedings, Mr. Treves, one of the Benares Appeal Judges, and a partner of Mr. D'Aguillar in the indigo works, together with his colleague, Mr. Cherry, lent their sanction, although they had no proper jurisdiction in the case, ordering Mr. Rider to send Mr. Maclean to Calcutta, and informing him that he had no option in the business. Mr. Neave, another of these Appeal Judges, who was absent, highly disapproved of their conduct. There cannot be a more instructive commentary than these very transactions supply, upon the efficiency of a Free Press in detecting, and of an enslaved Press in covering, every species of delinquency. Under the pretence of this private fracas, which, until the Gauzeepore Magistrate interfered, had nothing of a public character, the hideously despotic measure was resorted to of sending penalty-bonds, to be executed by all indigo planters within the Benares district, for the first complaint in Court, to forfeit five hundred rupees, and for the second, to be sent to Calcutta.

Mr. Rider, as if there was no court of judicature in Calcutta, where he might have redress if he was libelled, prayed the Government to protect him from the promised appreciation of his conduct; and Dr. Yule, a friend of Dr. Maclean, residing at Mr. Rider's, addressed to him a long letter, beseeching him most earnestly to suppress his narrative. The affair gave rise to various discussions in the newspapers, and excited much interest in Bengal; and, in due time, Dr. Maclean received the following notification on the subject from the Government:

' To Mr, Charles Maclean.

' SIR,—A representation having been made to Government, respecting a letter which was published in 'The Telegraph' of the 28th of April last, under your signature, I am directed by the Right Hon. the Governor-General in Council, to inform you, that his Lordship considers the insinuation in your letter, with regard to the conduct of the Magistrate of Gauzeepore, to be highly improper; and that he accordingly requires, that you submit to Government an immediate and satisfactory apology for having published the letter in question.—I am, Sir, your obedient humble servant,

(Signed) ' H. ST. GEORGE TUCKER, Sub-Secretary.

' Council Chamber, June 1, 1798.'

We should be curious to know, whether, as a Director of the East India Company, Mr. Tucker holds the doctrine thus avowed by him as Secretary, namely, that an apology to a Governor-General of India is to be considered an *atonement* for any supposed violation of the law. The following answer was returned :

' To H. St. G. Tucker, Esq., Sub-Secretary.

' SIR,—I have to acknowledge the receipt of your letter of the 1st instant, intimating the desire of the Right Hon. the Governor-General in Council, that I should submit to Government an immediate and satisfactory apology for the insinuation, with regard to the conduct of the Magistrate of Gauzeepore, contained in my letter published in 'The Telegraph' of the 28th April last, which the Right Hon. the Governor-General in Council considers as highly improper.

' In answer, be pleased to acquaint the Right Hon. the Governor-General in Council, that, as my insinuation can be proved to be well founded, I must beg leave to decline making the apology required.

' Having reason to believe that the Editor of 'The Telegraph' has been written to on the same subject, I beg leave to state, that I alone am responsible for the transaction, having solicited the insertion in 'The Telegraph' of the letter in question, for no other reason than that it was the next paper for publication.—I am, Sir, your obedient humble servant,

' Calcutta, 10th June, 1798.

' CHARLES MACLEAN.'

Anxious to act with circumspection, in a case of so delicate a nature, and to avoid every fresh occasion of reviving the dispute, Dr. Maclean wrote to the Editor of 'The Telegraph' as follows:

' DEAR SIR,—I have had a letter from Government, requiring an apology for having published a letter in 'The Telegraph,' in April last, respecting the conduct of the Magistrate of Gauzeepore, in the

case of Dr. Maclean and Mr. D. Aguillar. I perceived that there was also a letter addressed to you upon the same subject.

'I have returned an answer, declining to make an apology, and at the same time declaring that I alone am responsible for the insertion of that letter in 'The Telegraph,' having solicited you to give it a place for no other reason than that your paper was the next for publication.

'As this is a delicate subject, may I beg to be favoured with a copy of the answer, which you have already sent, or intend to send, to the Governor-General in Council? My reason for making this request is an anxiety that your answer, whilst it transfers the whole blame from yourself, as it properly may, should be couched in such terms as not to lay me under the necessity, unless called upon, of giving any further explanation.—I am, &c.

'CHARLES MACLEAN.'

To which the Editor of 'The Telegraph' returned the following answer:

'DEAR SIR,—I have sent in an apology for both letters,—but know not if it will be accepted.* I was desired to give the reason for publishing them. I answered thus: "I beg to assure you, Sir, I had no reason for publishing these letters, but that of conceiving it to be within the line of my duty to the public. The first letter being signed by Mr. Maclean, I could not well have refused to publish, as by his signature he took upon himself all responsibility. The other letter, I was assured, gave a correct account of a public transaction that had been misrepresented, and as such I published it.—Your's, &c.

'H. M'KENLX.'

This apology, however, was not accepted by the Governor-General in Council, and the following one was published by his dictation:

'Apology by the Editor of the Telegraph.

'The Editor, from error in judgment, having inserted a letter in "The Telegraph" of the 28th of April, under the signature of Charles Maclean, and also a subsequent letter on the same subject, in "The Telegraph" of the 12th May, signed "HABEAS CORPUS," and the terms of both the said letters appearing to him, on reconsideration, to be extremely improper, he is induced to apologise for having published them; particularly as the writers of the said letters have assumed a privilege of animadverting, through the medium of a public print, upon the proceedings of a court of justice, and of censuring the conduct of a public officer, for acts done in his official capacity.'

* Dr. Maclean's letter of the 27th of April, and an able letter under the signature of 'HABEAS CORPUS,' attributed to the Rev. Dr. Mackinnon of the 76th regiment.

But it would have been in vain that the Editor of 'The Telegraph' had been induced to subscribe to doctrines befitting the fifteenth century, unless the Press had been generally restrained: and Dr. Maclean was the proprietor of a newspaper and a magazine, which it was his avowed determination to continue to conduct upon principles authorised by the British Constitution in all parts of the British dominions. In order, therefore, to be able to impose a Censorship on the Press, it became necessary either to expel Dr. Maclean from India, or otherwise to destroy his property. Accordingly, about a month from the date of his letter declining to make an apology, he received, in the following words, intimation of the Governor-General's determination to banish him to Europe.

'To Mr. Charles Maclean.'

'SIR,—I am directed by the Right Hon. the Governor-General in Council to inform you, that he has resolved, in pursuance of the powers vested in him by acts of Parliament, to require you, as residing here without license, to return to Europe by the extra ship Mildred, now under despatch.

'The Right Hon. the Governor-General in Council further requires that you give good and substantial security for complying with his requisition, and he has issued orders to Captain Mouggach to secure your person, and to detain you until you shall have given the security required.—I am, Sir, your most obedient servant,

'D. CAMPBELL, Sub.-Sec.

'Council Chamber, July 9, 1798.'

Previous to the receipt of the above letter, the intentions of the Government to secure his person, were privately communicated to Dr. Maclean, by one of the clerks of the Secretary's Office, at the risk, in the event of discovery, of losing his situation; and he took measures for frustrating their views, until he should have an opportunity of entering into some explanation with them on the subject. Some days having elapsed before he could decide upon his answer, a correspondence passed between himself and Captain Mouggach, which is not of sufficient importance to merit a place here. Respecting the propriety of resisting an enormous misapplication of an unconstitutional law, there was, in his mind, no question. The mode of resistance formed the only subject of deliberation. That being determined upon, the following answer was transmitted:

'To D. Campbell, Esq., Sub-Secretary, &c.'

'SIR,—I have to acknowledge the receipt of your letter of the 9th instant, intimating the requisition of the Right Honourable the Governor-General in Council, that I should return to Europe by the extra ship Mildred, now under despatch; and, in the mean time, give good and substantial security for my compliance with his order.

'It will not, I hope, be deemed disrespectful to Government, that, whilst they are pleased to adopt measures which *must deprive me of every means of subsistence, and destroy all my present prospects in life*, I should request them to assign the grounds of so severe a proceeding; and thus afford me an opportunity of explaining whatever circumstances may have given them an unfavourable impression of my conduct.

'But should they have determined, at all events, to enforce their resolution against me, without acquainting me with their motives, or should the explanations which, after knowing them, I could give, be deemed unsatisfactory, I beg leave, previous to a compliance with their orders, to state some circumstances peculiar to my situation, which, I have no doubt, the Right Honourable the Governor-General in Council will find not unworthy of his consideration.

'Some time ago, two gentlemen became bail for me in a sum of money, and as I have no means of exonerating them, but such as my continuance in this country would afford, it becomes my duty to represent to the Right Honourable the Governor-General in Council, the injury which my being sent to Europe would occasion to individuals, certainly not implicated in any offence that I may be supposed to have committed.

'I am, besides, a married man. Trusting it is not the wish of the Right Honourable the Governor-General in Council to part me from my wife, and being, by the present measure, deprived of all my resources, I hope it will not be deemed unreasonable in me to expect that the Right Honourable the Governor-General in Council should order a passage to be provided for her, with suitable accommodations.

'With respect to the security required, having already given that of the two gentlemen above alluded to, for my personal attendance, on the 25th of October next, at the Supreme Court here, I submit, with deference, how far I can, with propriety, ask security that I shall return to Europe before that period.—I am, Sir, your obedient humble servant,

'CHARLES MACLEAN.'

'Calcutta, 13th of July, 1798.'

On the following day, Dr. Maclean received private information that orders had been issued to Captain Mouggach to permit him to remain in his house until the *Mildred* should be on the eve of sailing; then to force open his door, and to carry him on board that ship. From the 9th to the 20th of July, he kept his door almost constantly shut, went on with his business as well as the nature of such a situation would permit, and patiently awaited the result. Early on the morning of the 20th, he received the following communication:

' To Mr. Charles Maclean.

' SIR,—I send you this to apprise you, that I have a full answer to your letter addressed to Government, dated the 13th instant, and to acquaint you that I shall call myself with it in the course of this forenoon. In the meantime I have to observe, that there will be no occasion for your concealing yourself from me, as a security is only required for your fulfilling the contents of the letter which I shall deliver to you, and which security, I am well assured, you have in your power to give on the shortest notice.

' This business being settled, it will free you from all restraint, or fear of being apprehended in the streets, which might be the case should matters remain unexplained.—I am, Sir, your most obedient humble servant,

' J. MOUGGACH,

' Fort William, 20th July, 1798. ' Captain, Town-Adjutant.'

An answer was immediately returned, as under :

' To Captain J. Mouggach, Town-Adjutant, &c.

' SIR,—Before I received your note of this morning, I had resolved to write to you to-day, intimating that I should be ready, at three o'clock to-morrow afternoon, to deliver myself into your custody, or to take such other steps as the Government may direct, in order to ensure a compliance with their first requisition.

' But as I am ignorant of what may be the contents of the letter which you now have to deliver to me from Government, and cannot therefore judge how far it may be proper in me to comply with their present wishes, I must be excused from consenting to a personal conference to-day, unless you previously assure me, upon your honour, that I shall not be molested, if I should be unable to assent to the propositions which you may have to make.

' On my part, I beg leave to assure you, that, far from intending to evade, I am preparing, with as much speed as possible, to comply with the orders of the Right Hon. the Governor-General in Council, to return to Europe by the *Mildred*.

' Should you, in the meantime, have anything to communicate by a note, I shall be happy to attend to it ; and I have to express my regret that it has been necessary for me to give you personally so much trouble.—I remain, Sir, your most obedient humble servant,

' Calcutta, 20th J 1798.

' CHARLES MACLEAN.'

About noon of the same day, Captain Mouggach called at Dr. Maclean's house, and after promising, upon his honour, that his person should not be molested, was admitted. He delivered the following letter :

' To Mr. Charles Maclean.

' SIR,—In reply to your letter of the 13th instant, I am directed by the Right Honourable the Governor-General in Council to ac-

quaint you, that he has thought it proper to require you to return to Europe.

'Firstly,—For publishing, in a newspaper, a letter containing an insinuation of improper conduct on the part of one of the public Magistrates in the discharge of his duty, and, when called upon to make an apology for that offence, refusing, in the most disrespectful terms, to make such apology.

'Secondly,—Because the Governor-General in Council finds, that that you are the same person whom Government before ordered to return to Europe, in consequence of your having quitted the ship to which you were attached, and remained in the country without permission; an order which could not be enforced, from your having removed yourself out of the reach of the officers who were directed to execute it.

'In consideration of the circumstances stated in your letter, the Governor-General in Council will allow you to remain in the country until the 25th of October next, provided that you immediately give satisfactory security to proceed to Europe, in any ship which may sail after that date, and in which he may require you to embark.

'The Governor-General in Council can have no intention of separating you from your family, and a charter-party passage will be allowed you both in the ship in which you may be ordered to embark, agreeably to the established usages on such occasions.—I am, Sir, your most obedient humble servant,

'D. CAMPBELL, Sub-Secretary.

'Council Chamber, July 19, 1798.'

Here, probably for the first time in the history of the world, the atrocious principle is avowedly acted upon, that an individual may, at the caprice of a Governor, and without the form of a trial, be removed from his business and means of subsistence, to the destruction of his property, and all his prospects in life, and banished to a distant country, for having merely made an 'insinuation' of improper conduct against a Magistrate, the truth of that insinuation being notorious, from facts immediately before the world; and the still more base principle, if possible, that, for an offence against the law, an apology to a Governor is the appropriate atonement. This insinuation of improper conduct, and the refusal to make an apology, were immediately followed by the destruction of an income between seven and eight hundred pounds *per annum*, the annihilation of all present prospects in life, the removal of the person from India to England, and, as if these various punishments were still inadequate to the grievous offences committed, from that time to the present moment, being a period of nearly thirty years, has Dr. Maclean been doomed to suffer the infliction of a general and unrelenting persecution from the numerous adherents of despotism, for having endeavoured, as far as depended upon him, to maintain the liberty of

the Press inviolate in India; for, after all, that will be seen to have been the real question at issue.

Under the head 'firstly' of this letter, the offence alleged branches into three parts, of which the last, besides being, like the others, unfounded, is exceedingly ludicrous. Dr. Maclean is accused of having expressed his refusal to apologise for his insinuation 'in the most disrespectful terms.' His words are, 'as my insinuation can be proved to be well founded, I must beg leave to decline making the apology required.' How these terms can be deemed '*most disrespectful*,' excepting in the distempered brain of an Eastern satrap, it is difficult for a man of plain understanding even to imagine.

Under the head 'secondly,' is a new charge, which is totally groundless. The former order of Government alluded to, was founded on a misrepresentation, which is explained by a letter, subsequently inserted, of Captain Hudson of the *Houghton*, an attested copy of which was sent to the Governor-General. For several years after the occurrence alluded to, Dr. Maclean was a constant resident of the Town of Calcutta, and might at any time have been sent to Europe by Sir J. Shore (Lord Teignmouth,) had he delighted in acts of despotism, and in employing the Town-Adjutant to hunt his game. There have been always in India thousands of persons similarly situated, pursuing their respective avocations without molestation. But subsequent to this determination of the Marquis of Wellesley, there was no safety, whether with or without the protection of a license, for the adherents of a *Free Press*. This was the *great offence*!

The concluding paragraph of this official letter graciously condescends to state, that a '*charter-party passage*' will be allowed Mrs. Maclean in the same ship, '*agreeably to the established usage on such occasions*.' The intimation of this most impudent and mendacious remark respecting '*established usage*,' was, doubtless, to induce a belief, that to send ladies to Europe as charter-party passengers, was quite a common occurrence, although it is more than probable that not an instance of the kind ever happened. To what pitiable shifts are governments reduced, when they find themselves under the necessity of seeking to give a false colouring to base and indefensible transactions! The accommodations of a charter-party passage are, room to swing a hammock among the sailors, and a certain daily allowance of salt-beef, biscuit, and spirits. Now, if such accommodations were never offered to a lady by any former Governor-General, what becomes of '*the established usage on such occasions*'? But, even if the case had repeatedly occurred, precedent cannot justify an act of indecency any more than an act of oppression.

At this period, it seemed not improbable to Dr. Maclean, that, by availing himself of the authority of the Supreme Court of Judicature, —Sir Robert Chambers, the Chief-Justice, being well disposed to grant him the protection of the laws of England,—he might have

defeated the Governor-General, in so far as to be able to remain in India in defiance of his will : but, considering that he would have been a permanent cause of contention between these high parties ; that his property and prospects would be, at any rate, sacrificed in the struggle ; and that the liberty of the Press in India, the real object at issue, as had already been rendered manifest by the abject apologies dictated to the Editor of ' *The Telegraph*,' would have been extinguished without opposition or complaint, but from a solitary individual ; whilst, although the fact eventually turned out to be otherwise, it would have been unreasonable at that time not to have entertained some expectation of ultimate redress in England for these complicated acts of oppression, as well as of punishment, for the public delinquencies which they involved,—he deemed it more judicious, as well as more becoming, not to resort to any indirect means of partially eluding the despotism of the Marquis of Wellesley, but to meet it at once, leaving him loaded with the guilt and responsibility of the unqualified exercise of that open and profligate tyranny, by which he seemed desirous of early distinguishing his Indian government. Under these impressions, the following answer was written :

' To D. Campbell, Esq., Sub-Secretary, &c.

*' SIR,—*I have received your letter of the 29th instant, stating the reasons of the Right Honourable the Governor-General in Council for requiring me to return to Europe.

' In answer to the first, be pleased to inform the Right Honourable the Governor-General in Council, that I refused to make an apology for the insinuation of improper conduct on the part of the Magistrate of Gauzeepore, contained in my letter of the 27th of April last, published in 'The Telegraph,' not only from a thorough conviction of its truth, but also because such apology might operate unfavourably towards my friend, Mr. Allan Maclean, in his endeavours to procure redress for a series of the most ignominious oppressions perhaps ever exercised upon a British subject in India,—endeavours in which I was, and am still determined to support him by all the means in my power. If the terms of my refusal have seemed to convey disrespect, I can only say that it was not in the smallest degree intended ; and I am even convinced, that, upon a re-consideration of my letter, it will appear so to the Right Honourable the Governor-General in Council himself.

*' Respecting the second charge, I beg leave to state, that the order of the former Governor-General in Council for my return to Europe, was founded upon a misrepresentation of the manner in which I had quitted the ship I was attached to ; and that the explanation given was such as induced him not to enforce that order. What was then submitted in my justification, has been since confirmed, beyond a doubt, by the acknowledgments of Captain Hudson of the *Houghton*, which I have the honour to enclose for the information of the Right Honourable the Governor-General in Council.*

'Should the Right Honourable the Governor-General in Council, after what I have stated, persist in his intention of sending me to Europe, I request you will be pleased to inform him, that having, since my letter of the 13th instant, given indemnification to the two gentlemen who had become responsible for my appearance in the Supreme Court on the 25th of October, I am *now as ready to comply with his requisition as I can be at any subsequent period*; and that I cannot, in any case, think of troubling my friends to make themselves amenable for my conduct.

'With respect to the charter-party passage which the Right Hon. the Governor-General in Council has been pleased to propose for my wife, as that kind of passage is subject to inconveniences which I cannot permit her to share, I prefer the alternative of leaving her behind; and must, therefore, be permitted to decline the offer.—I have the honour to be, Sir, your most obedient servant,

'CHARLES MACLEAN.

'Calcutta, July 23, 1798.'

[Attested Copy of Captain Hudson's Letter, enclosed in the above.]

To Charles Maclean, Esq.

'SIR,—I am favoured with yours of yesterday; in answer thereto, I am ready to declare, that I understand the cause of your having quitted the *Houghton*, of which ship you were Surgeon, on her former voyage to Bengal, to have been entirely owing to indisposition, which rendered you unable to go on board; and, to the best of my knowledge, the official letter transmitted through the pilot to the Governor-General, was to that effect; and, therefore, if you were reported "run" on the ship's books, it must have been owing to mistake, which happened without my knowledge, and consequently, without any orders given to that effect by me. On this I shall be ready to afford the fullest explanation to any friend of yours in England; and I shall be happy to do any thing in my power to remove any difficulty or objection that may have occurred from any representation that may have been made, relative to the cause of your having quitted the *Houghton*, on her late voyage to Bengal.

'The Company's medical journal was continued on board the *Houghton*, by Mr. Carmichael, who acted as surgeon on the passage home. It was the same journal that had been begun by you, and was regularly signed by me, as commander of the ship.—I am, Sir, your most obedient servant,

'ROBERT HUDSON.

'Calcutta, Nov. 23, 1797.'

We must pause at this point, which embraces nearly all the correspondence that passed between the Government and Dr. Maclean on this occasion; and in our next we shall follow this up, by a transcript of Dr. Maclean's private journal, kept at the time, and

never yet published, with the original of which we have been furnished by the writer himself, which will throw more light than even the correspondence itself upon the infamous proceedings of the Indian authorities.

FOR EVER THINE.

For ever thine, whate'er this heart betide;
 For ever mine, where'er our lot be cast;
 Fate, that may rob us of all wealth beside,
 Shall leave us love—till life itself be past.

The world may wrong us, we will brave its hate;
 False friends may change, and false hopes decline;
 Though bowed by cankering cares, we'll smile at Fate,
 Since thou art mine, beloved, and I am thine!

For ever thine, when circling years have spread
 Time's snowy blossoms o'er thy placid brow;
 When youth's rich glow, its 'purple light,' is fled,
 And lilies bloom where roses flourish now;—
 Say, shall I love the fading beauty less
 Whose spring-tide radiance has been wholly mine?—
 No,—come what will, thy steadfast truth I'll bless,
 In youth, in age—thine own, for ever thine!

For ever thine, at evening's dewy hour,
 When gentle hearts to tenderest thoughts incline;
 When balmy odours from each closing flower
 Are breathing round me,—thine, for ever thine!

For ever thine! 'mid Fashion's heartless throng;
 In courtly bowers; at Folly's gilded shrine;—
 Smiles on my cheek, light words upon my tongue,
 My deep heart still is thine,—for ever thine!

For ever thine, amid the boisterous crowd,
 Where the jest sparkles, with the sparkling wine;
 I may not name thy gentle name aloud,
 But drink to thee, in thought,—for ever thine!

I would not, sweet, profane that silvery sound,—
 The depths of love could such rude hearts divine?
 Let the loud laughter peal, the toast go round,
 My thoughts, my thoughts are thine,—for ever thine!

For ever thine, whate'er this heart betide;
 For ever mine, where'er our lot be cast;
 Fate, that may rob us of all wealth beside,
 Shall leave us love—till life itself be past!

• By Alaric A. Watts.—From the 'Literary Souvenir,' for 1828.

ON THE POEMS ATTRIBUTED TO HOMER.

[Translated, for 'The Oriental Herald,' from the recent Work of M. Benjamin Constant.]

THE famous problem of the identity of the author of the *Iliad* and *Odyssey* has found a new investigator in M. Benjamin Constant, the celebrated member of the French Chamber of Deputies. In his work on religion, of which a new volume has been recently published, on passing from the consideration of the polytheism of the heroic ages to the times of sacerdotal religion, he felt the necessity of giving some explanation of the religious system of the Greeks, such as it is presented in the works attributed to Homer; and he was thence led to the inquiry, whether the *Iliad* and *Odyssey* can be ascribed to the same poet; whether they do not rather belong to different epochs; and whether each of these poems, taken separately, is not in itself a collection of several distinct rhapsodies. The high reputation of the author, and the clear, elegant, and philosophical manner in which he has treated the subject, assure us that an extract of this portion of his work, which might form in itself a separate essay, will not be unacceptable to our readers:

The religion of the Greeks of the heroic ages, such as we view it in the *Iliad*, says our author, lent no material aid to morality. A religious feeling, it is true, seemed struggling to introduce notions of humanity, of generosity, and of justice; but there existed a natural repulsion and variance between this feeling and the character of the system it sought to modify.

It is otherwise in the *Odyssey*. In that work morality forms a very important part of religion. As early as the seventh line of the First Book, the companions of Ulysses are said to have, by their sins, precluded their return to their country; and if the principal crime they had committed was the slaughter of the herds of Apollo, which implies a feeling of personal interest on the part of the deity, yet the justice of the gods, in many other passages, is independent of their personal interest. Every sort of crime excites their indignation. 'Should I force my mother to quit the house,' says Telemachus, 'she would invoke the furies.' Jupiter inflicts on the Greeks a disastrous voyage for their want of prudence and justice. The gods warn Ægisthus against assassinating Agamemnon, that he might espouse the widow of his victim; and when he has perpetrated the murder, they visit him with immediate punishment. Minerva approves this chastisement, and demonstrates the justice of it; and Jupiter adds, that Ægisthus has committed the crime in opposition to the destinies. This new point of view, also, in which men are forbidden to attribute to fate the consequences of their own errors, is an improvement on former ideas of morality. Minerva, again,

Oriental Herald, Feb. 16.

G.

in reproaching the gods for abandoning Ulysses, whom she protects, does not ground her mediation in his favour on the number of his sacrifices, but on the justice and gentleness of the hero. 'I will not detain thee by force,' said Alcinous to Ulysses; 'such an act would incur the displeasure of Jupiter. Were I to kill thee after I had made thee my guest, with what confidence could I address my prayers to the sovereign of the gods?' Telemachus, on several occasions, threatens the suitors with the celestial anger. Ulysses, on arriving among the Cyclops, sends to discover if the inhabitants of the island are kind to strangers, and fear the immortal protectors of the suppliant. This protection, it must be owned, is characteristic also of the Jupiter of the *Iliad*, but it belongs in a much higher degree to the supreme deity of the *Odyssey*. The former only concerns himself for those who implore him because they embrace his altars, and because his glory is interested in their safety; the second takes their cause in hand, because they are unarmed and defenceless.

The gods of the *Odyssey* interfere, in their capacity of gods, in the transactions of man with man. They wander disguised about the world, to observe the deeds of the vicious and of the virtuous. In the *Iliad*, the excitements to their resentment are neglect of sacrifice, or insults offered to their priests. In the *Odyssey*, the crimes of man towards his fellow being, are the objects of their displeasure, and of their severity. In the *Iliad*, the gods confer on mortals strength, courage, prudence, cunning: in the *Odyssey*, they inspire them with virtue, which they reward with happiness.

If in one solitary instance in the *Odyssey*, the suitors contemplate a murder without appearing to apprehend the disapprobation of the gods on account of it, until they are diverted from their project by a divine portent; this happens because every epoch in which new ideas are introduced, before those which formerly prevailed are completely fallen into discredit, must be a period of contradictions. Besides, even in this instance, the gods themselves protest against this expectation of impunity, as derogatory to their celestial character. The suitors deemed that they were addressing the gods of the *Iliad*;—the gods of the *Odyssey* reply to them. We might hazard the assertion, that a long interval had separated the gods of the two poems, and that during that interval their moral education had been advancing.

The effects of religion must not be confounded with the accretions of mythology in poetry. This use is, perhaps, less frequent in the *Odyssey* than in the *Iliad*; but the effects of religion, properly so called, are much more diversified in the former. In that poem, man is shown as having combined, in a much better manner, the means of rendering the gods not only propitious to individual interests, but useful to public order.

The gods of the *Odyssey* possess a degree of dignity much more exalted than those of the *Iliad*. The description of Olympus

in the former poem is more brilliant, the felicity of its inhabitants is more perfect. The dissensions before attributed to the gods, were the result of the observations of an infant people, struck by the disorders and irregularities of nature; these dissensions cease in proportion as men discover the secret order which pervades this apparent confusion. Thus the disputes of the gods, those disputes which occupy so much space in the *Iliad*, are hardly alluded to in the *Odyssey*; and when they are mentioned, they are drawn in a manner less defined, and of a milder character. Minerva dares not openly protect Ulysses, from the fear of giving offence to Neptune.

The distance placed between the gods and men, is also much greater in the one than in the other of these poems. In the *Iliad* the gods are incessantly in action, and they all interfere. In the *Odyssey*, Minerva is almost the only divinity who appears. In the first, the gods act after the manner of men: they themselves strike the blows; they raise shouts which make the heavens and earth resound; they snatch from the hands of the warriors their broken weapons. In the other, Minerva operates only by secret inspirations, or at least in a mysterious and invisible manner.

Instead of those combats, unworthy of the divine majesty, and which the bard of Achilles describes so complacently, the poet who celebrates Ulysses shows us but once only, and that as a mere tradition, and not as an action of the poem, a rash warrior defying Apollo; but here not even a struggle ensues,—the adversary of the god perishes resistless,—he is rather chastised than conquered.

In the *Iliad*, when the immortal gods desire to conceal themselves from human view, they are obliged to envelope themselves in a cloud; their nature is to be visible: the miracle consists in rendering themselves invisible. Often are they recognized in spite of their efforts at concealment. Minerva, when she descends from the skies, is perceived by both Greeks and Trojans; and Apollo, in order not to be seen by Patroclus, surrounds himself with a veil of dense obscurity. But in the *Odyssey*, Homer makes it impossible to recognize a god against his will. Thus, then, in this second epoch, it is the nature of the gods to be invisible: it is by an extraordinary exertion of their power that they make themselves seen.

Thetis, in the *Iliad*, is constrained by Jupiter to espouse Peleus. In the *Odyssey* the gods disapprove the marriages of goddesses with mortals: the mixture of the two races appeared to them an unsuitable alliance. Jupiter forbids Calypso to espouse Ulysses; and with his thunderbolt destroys Jason for having contracted with Ceres a too ambitious marriage.

These differences in the two epic poems of Homer might furnish many objections to the picture we have drawn, in the preceding part of our work, of the first polytheism of Greece; but should they be

found to extend to other objects besides those of religion, instead of embarrassing the question, they would solve it: since they would indicate a change in the social state, which would explain that of the religious system.

Let us examine the *Odyssey* under this point of view. It displays then, as it appears to us, the commencement of a period tending to a pacific character: we perceive in it the earliest attempts at legislation, the first efforts of commerce, the primitive establishment of relations of friendship and interest between people, substituting for brutal force, transactions of reciprocal accord, and for conquest and violent spoliations, exchanges by mutual consent.

The rising of the people of Ithaca against Ulysses, after the slaughter of the suitors, discloses a germ of republicanism, and an appeal to the rights of the people against their chiefs,—principles found subsequently more fully developed in the works of Hesiod.

One of the traits which characterises the *Odyssey*, is a certain curiosity—a thirst for those sorts of knowledge whose existence is a proof of times of repose and leisure, the dawn of which had begun to show itself.

Ulysses is held up to us as one who had learnt much, and who had observed the manners of many people. He prolongs his travels, and braves a thousand perils, for the sake of acquiring knowledge. The praise of science is often repeated, and this sentiment we find incorporated in the very fables. Atlas, the father of Calypso, bearing on his shoulders the pillars which separate the skies from the earth, is acquainted with what the depths of the sea contain. Calypso herself gives to Ulysses lessons of astronomy, and the Syrens are represented as seducing, principally because their songs are instructive. To satisfy this thirst for a knowledge of the wonders of foreign lands, the author of the *Odyssey* collects from all parts the fabulous recitals of travellers, and inserts them in his poem. Hence we have his Circe, the more simple model of Armida and Alcina; his Cyclops, connected with mythology by their descent from Neptune; and his Lestrygonas, of whom the traces are to be found in the fragments of the first Greek historians.

These characters are manifest signs of the epoch in which mankind, as yet sufficiently youthful to allow their imagination full scope, and sufficiently infantine to believe any thing, is yet advanced to the age for desiring to know every thing; an epoch clearly posterior to that of the *Iliad*, in which the Greeks, occupied with the immediate interests of their own life, and consuming their strength in attack and defence, scarcely looked beyond themselves.

The condition of the women, whose state ever keeps pace with civilization, is described as quite differently in the *Odyssey* and in the *Iliad*. Arete, the wife of Alcinous, exercises an influence the most complete over her husband, and the subjects of her husband. The delicate modesty of Nausicaa, and her refined sensibility, imply

a state of society far advanced towards perfection. The fear which she expresses of pronouncing the word 'marriage' in her father's presence, her description of the scandal, and, if we may be allowed the expression, of the gossip of the Pheacians, in the sight of whom she would not venture through the town, with a stranger, betoken a nice and refined attention to the relations of society in a pacific and civilized country.

Homer, it may be said, having to paint the Pheacians, a commercial nation, has skilfully brought forward the peculiarities which would distinguish the manners of such a people from the warlike habits of Greece. But in the *Iliad*, also, Homer had to describe a people more civilized, and less exclusively warlike than his fellow-countrymen, yet he never views this advance in the social condition but on its dark side; he ever speaks of the Trojans as an effeminate race. On the contrary, it is with approbation and satisfaction that the Pheacian civilization is described in the *Odyssey*. The admiration, or rather the surprise, shown by the Homer of the *Iliad*, at the luxury which reigned in Troy, is that of a man as yet a stranger to such a degree of luxury; but the bard of Ulysses shows himself habituated to it; he appreciates and admires it.

The end of the sixth book of the *Iliad*, the parting of Andromache and Hector, affords the only instance in which conjugal love is painted in touching colours; but even here the picture is that of conjugal love in despair, surrounded by all the horrors of war, a prey to all the agitation of a situation without resource, and not of a domestic happiness, the consequence of order and tranquillity guaranteed by the laws. In the *Odyssey*, the prudent Penelope, in the midst of her grief, manages her household, and only gives loose to her complaints, when, after having shared the labour of her women, and attended to all her domestic duties, she enters her solitary apartment to bathe with tears the nuptial couch. And let it be remarked, also, that with the exception of this Penelope, all the Greek women of the heroic ages, Eriphyle, Helen, Clytemnestra, Phædra, are represented as guilty of assassination, of treason, of adultery. Penelope is the transition from this state of violence and barbarity, to one more moral, more mild, and consequently of later date than that of which it is the substitute. Euryclæa herself, that faithful nurse and watchful guardian, proves, by the respect with which she is treated, although in an inferior station of life, the consideration enjoyed by women in the state of society of the *Odyssey*. Helen, who, in the *Iliad*, contents herself with lamenting her crimes and committing fresh ones, appears in the other *Epopæe*, with a dignity which makes her errors forgotten.

To prove that the condition of the women had not changed during the interval of the two poems, may be cited, perhaps, the occupation of the female captives, and the imperious discourse of Telemachus to his mother,—a discourse which has been advanced as

a proof of the subordinate condition of the Greek women. But in this case the meaning of four verses, dictated evidently by extraordinary circumstances, has been very much exaggerated. Telemachus, incited by Minerva, who on quitting him gave him room to divine that a goddess had appeared to him, desires to leave Ithaca unknown to Penelope; the idea afflicts him; he in his trouble makes use of expressions which have for their object to get rid of the presence of his mother, who might throw obstacles in the way of his designs. His conduct is an exception, caused by an unusual conjuncture. The poet himself adds, that Penelope was astonished at the behaviour of Telemachus; and throughout the rest of the poem, the son of Ulysses shows the greatest deference to his mother. She is supreme in the palace; he is obliged to use precautions in order to quit Ithaca without her consent. She shows herself in the midst of the suitors, and appears amongst them as mistress of the palace which they are devastating. There are even two verses which prove that she exercised over her son a positive authority. She never permitted him, says Euryclæa, to command the female slaves. Yet, if he had succeeded in his capacity of chief of the family to all the rights of his father, he would have had over the slaves of both sexes the same rights as Ulysses himself, who caused them to be chastised for their misconduct. These circumstances should have guided the readers of the *Odyssey* to the true sense of the four verses which seemed to throw Penelope into a situation of subordination in relation to her son; but the readers of the ancients have but too often found in those writings only what they were beforehand persuaded they should find.

The lot of the female slaves is, we acknowledge, the same in both poems. The laws of war, more severe than the usages of peace, were also more slow in receiving modification; even when the intercourse between fellow-citizens has become softened, it is natural enough that the ancient barbarity towards enemies should continue. Yet the destiny of the captive women is mentioned in the *Odyssey* in a language more compassionate than in the *Iliad*. Does not this slight difference prove an improvement in domestic manners, an improvement which had been attended by the painful consequence of rendering more terrible the lot of female prisoners? The more happy the life they led in the bosom of their families the more odious must slavery have appeared to them. The more their husbands began to assign them honourable rank in society, the more repugnance they must have felt to lavish their charms on arrogant ravishers, who regarded them as a conquest. Briseis in the *Iliad*, the Briseis whose father had been killed by Achilles, attaches herself to the conqueror without scruple and without remorse; while the *Odyssey* presents us the picture of a woman, a prisoner, who is driven forward by force of blows; a rigorous treatment, which necessarily supposes in the unfortunate object of it a resistance, of which the *Iliad* offers us no example.

We will venture yet further. The *Odyssey* not only exhibits proof of a change in the condition of the women, but the effects of that change. It discloses the advantages which had been derived from it, and which consist in greater gentleness, a higher degree of charm, in more internal felicity; but it at the same time shows the evils which had ensued on these changes, and which are of a period still later than the benefits which had arisen. This perhaps requires some explanation.

The increased influence of women is attended with this natural consequence; the intercourse of men with these companions of their lives, who have acquired a more important station in society, becomes a more constant and habitual occupation. From this it results that love is regarded in a more detailed manner, in a greater variety of shades than before, and that the lights in which it is viewed are diversified. Of this variety of ways of regarding love, one is to look upon it as a matter of levity, as frivolous, as more or less immoral, and as a subject for pleasantry. But this view of the passion will not be taken of it until the serious ones have been exhausted. People whose manners are entirely rude treat love without delicacy, but do not make it the object of their jests. Whenever we find a writer who exercises his humour on this theme, we may be sure that he lived amongst men to a certain degree civilized. Now, we find indications of a disposition of this kind in the *Odyssey*, while in the *Iliad* no trace of it is to be found. The history of the amour of Mars and Venus—a tradition, by the way, of later date than the *Iliad*, for in that poem Vulcan has Charis, and not Venus, for his spouse—casts on the deceived husband a tincture of ridicule.

The infidelity of Helen is treated in a tone far more solemn. Menelaus is injured, but nobody regards the outrage as a theme for raillery. The Mercury of the *Odyssey*, jesting with Apollo on the fortune of Mars, which he envies, is the *petit-maitre* of a society already in a state of corruption. Barbarous people consider pleasure in a graver light; it is with all imaginable seriousness that Agamemnon announces to the assembled Greeks, that he destines Chryseis for his bed, because in his eyes she surpasses Clytemnestra in beauty. It is without the least mixture of pleasantry that Thetis proposes to her son, in his despair for the death of Patroclus, to divert his grief by converse with a beautiful damsel.

The characters which are common to the *Iliad* and the *Odyssey*, strike an attentive eye by other differences; and these differences always betoken an advancement on the part of the *Odyssey*.

In both poems hospitality is a sacred duty; but the hospitality of the *Odyssey* has something milder and more feeling in it than that of the *Iliad*. In the hospitality of the *Iliad* there is nothing but good faith; there is delicacy in that of the *Odyssey*.

Nor is this all: these two poems are not distinguished merely in

points of morality, they vary in a literary point of view also; and these differences, as well as those above noticed, indicate two epochs, of an improvement in civilization.

The unity in the action of a poem, which renders that action more simple and clear; the concentration of interest by which the interest itself is rendered more lively and more intense, are improvements in the art. Such improvements are unknown to the *Iliad*. In that epic the action has no unity; from the earliest books the interest becomes divided. Every hero shines in his turn: Diomed, Ulysses, the two Ajaxes, the aged Nestor, and the youthful Patroclus, partake, with Achilles, our divided attention. We often forget this very Achilles, the hero of the poem, leaving him idle in his tent, while we follow to the combat the companions in arms whom he abandons. There are entire books in which his name is scarcely pronounced. Some might even be omitted altogether, and yet the loss of them remain unperceived by the reader.

Lastly, the object which excites our most continued sympathy is Hector: and if, on the one hand, we are drawn on by the spell of the poet to desire the fall of Troy; on the other, we constantly feel a painful sensation, from beholding, in the defender of this unfortunate city, the only character to which all our delicate and generous sentiments can attach themselves without alloy. This fault, for this would certainly be a fault, if the object of the poet had been to form a whole poem devoted to the celebration of the glory of Achilles; this fault, we say, has struck critics so forcibly, as to induce them to attribute to Homer the intention of elevating the Trojans much above the Greeks; and the compassion which he attempts to excite for the misfortunes of the former, has appeared to corroborate this idea. This notion, however, is contradicted by the passages in which the poet speaks, we will not say in his own name, for that is never the case, but in a descriptive tone, which is more suited to disclose the secret inclination of the author, than the narrative or dramatic parts. Thus, for example, in the picture of the first battle in which the Greeks engage, their profound silence, the order of their march, the regularity of their movements, are placed in contrast with the tumult, the cries almost savage, the disorder and the want of discipline of the Trojan army.

But although the *Iliad* be wanting in unity, it rises above all the works which the hand of man has yet produced, by its continual progression in interest, in vivacity, in grandeur, and in force, with the exception of one or two episodes, from the beginning to the end. As the poem proceeds, the action becomes more impetuous, the passions more violent, the figures more sublime, the exploits of the gods more marvellous, and more gigantic. This kind of merit, as it has been observed by a man of high talents, and deeply versed in researches of this nature, is far superior to that mechanical regularity which subjects itself to the rule of making every thing subser-

vient to one end. But does not this wonderful progression give reason to suspect a succession of bards, each of whom aspired to surpass his predecessors?

The *Odyssey*, on the contrary, is characterised by a constant and perfect unity. Not only does every thing in it bear relation to the return of Ulysses, but the poet, in attaching our interest from the first book to Telemachus and Penelope, whom he paints to us as weak, defenceless, and oppressed by the suitors, obliges us from the beginning of the poem to form wishes for the return of the father and the husband, whom they expect, and who alone can deliver them. We desire this arrival on account of the interest we feel for the youthful age of the son, of the respect with which the noble character of the mother inspires us, and of the hatred excited in our minds for the intemperate and brutal crowd of their rude persecutors.

The superiority, in point of art, which is conspicuous in the *Odyssey*, is also remarkable in some circumstances of less importance, but which deserve to be noticed. Much more care is shown to avoid repetitions than in the *Iliad*. Ulysses, under the roof of Alcinoüs, when in the narration of his travels he arrives at the incidents which the poet had related in the former books, breaks off, in order not to repeat a thing which had been already told. The idea also of commencing the poem in the middle of the action, in order to give occasion to the hero to recount his adventures, and to vary the tone of the recital, is an improvement in the art: all subsequent writers have adopted the same method.

Thus, on the one hand, in the *Odyssey*, the art of the poet is more conspicuous; on the other, the poetry of the *Iliad* is more brilliant, and indicates a younger and more vigorous epoch.

Are all these differences sufficiently accounted for by the supposition of Longinus, that the author of the *Iliad*, who was in his youth, or in the vigour of his age, when he wrote his first poem, composed the *Odyssey* in his old age? We think not. The question does not turn on a greater or less degree of boldness in conception, or of brilliancy of colouring; but on a fundamental variance in the entire system of the two epics, and in the divers matters of religion, manners, usages, condition of the women, and of civil and even political life.

No individual, be he in youth or in age, escapes the yoke of the period in which he lives. When that age happens to be a period of advanced civilization, the past may be imitated, but its spirit is not to be caught. By inhaling the social atmosphere which surrounds us, we make it part of ourselves: what we imbibe becomes identified with our existence; every word we utter feels its influence. The knowledge of ancient monuments and of ancient opinions is the province of erudition: erudition instructs, but does not inspire us. She furnishes us with illustrations more or less happy, with

analogies more or less intimate, with allusions, with contrasts, but all these become impregnated with the times and with contemporary manners. Take Virgil by way of example. He fed, as it were, on Homer, and he studied the Etruscan traditions; yet he is neither Greek nor Tuscan. He is a Roman, the courtier of Augustus. We dare assert that it is no more possible that the Homer of the *Odyssey* could have written the *Iliad*, than that a Jew of Alexandria could have composed the *Psalms of David*, or the *Book of Job*.

We are forced, therefore, to devote a few pages to the examination of another hypothesis, notwithstanding the apprehension that in spite of our efforts to be concise we shall probably appear to have devoted too much space to this subject. It should be considered, however, in our justification, that the two epics attributed to Homer are the only poems which can be adduced as historical monuments. All the poets who wrote at periods of more advanced civilization, wrote for effect. They know the taste of their age: they have before them the treasures of past times; from these they cull at their convenience, according to the end they have in view,—many without discernment, all without accuracy. The most faithful confine themselves to the embellishment of the manners they describe; but to embellish things is to change their nature. The date of their works, then, becomes a question purely literary.

This date throws light on the state of letters at the period when the respective writers flourished, but none at all on the truth of their pictures, if they treat of any age other than their own. Place the *Æneid* a hundred years earlier or a hundred years later than its true epoch, and your ideas will be changed as to the literary merit of that age; but you will know then, as you do at present, that a knowledge of the manners of the Trojans is not to be sought in the *Æneid*. The case is not the same with the Homeric poems. The *Iliad* represents to us with accuracy the manners of a people such as the Greeks would be at the time of the Trojan war: but as the *Odyssey* transmits us details of a very different character, if we suppose the works to be written at the same time, or with an interval of a few years only, suspicion is thrown on the fidelity of both. The date of the Homeric poems is not merely important as a matter of criticism,—it is decisive evidence in the history of the human race.

Were it proved that the *Iliad* and the *Odyssey* are not by the same author, but, on the contrary, that the *Odyssey* is of an age subsequent to that of the *Iliad*, and belongs to a period of civilization much more advanced, all the differences which we have already noticed would be explained without difficulty. Let us see, therefore, if there be any thing in the monuments, or in the volumes of antiquity, to rebut this opinion.

Let us first of all observe, that the notion is not a novel one. The authenticity of the two poems attributed to Homer has ap-

peared doubtful to learned men of every age. It has been attempted to make the solution of this problem depend on that of one still more obscure, namely, whether in the time of Homer the art of writing was in usage. Many probabilities countenance the negative opinion on this point. But were that question decided affirmatively, no proof would thence result in favour of the authenticity of these poems.

In the first place, it would remain equally doubtful whether their author had written them. The difficulties which must have opposed the dissemination of the art of writing, or which must have sprung from the want of materials on which to write, are obvious. What a long interval must have elapsed between the first inscriptions rudely engraved in stone or brass, and the reduction to writing of works of a very different volume!

There exists among all nations, as a celebrated and learned man (Wolff) has observed, a fact which fixes the period at which the use of writing has become general,—this is the composition of works in prose. As long as they are wanting, we may conclude with safety that writing is little in use. In the absence of materials adapted for writing, verse is more easy to be retained than prose, and, under all circumstances, is also more easy of inscription. Prose has its origin immediately after the discovery of another instrument than memory to which men may trust for the durability of their compositions. Now, the first prose authors, Pherecydes, Cadmus of Miletus, Hellanicus, are of the age of Pisistratus, and consequently much later than Homer.

It may have been the case, then, that the two Homeric Epopees, during a long space of time, were transmitted by tradition only. Memory is a faculty which improves to an astonishing degree when its exercise is requisite, but which is lost with extreme rapidity when it becomes less necessary.

The example of the Bards, of the Scaldes, of the Druids, of the Hebrew Prophets, of the Caledonian Minstrels, and lastly, of the Improvvisatori of Italy, preclude all doubt of the truth of this assertion. The Sagas or traditions of the Scandinavians, who, from father to son, had preserved in their memory recitals abundant enough to fill whole libraries when the art of writing had become common in Scandinavia, are convincing proofs of the possibility of an oral preservation of the Homeric poems. The entire history of the North, says Botin, was preserved in unwritten poems. Our mode of social life, observes M. de Bonstetten, so disperses our faculties, that we can form no adequate idea of the power of memory of those semi-barbarous races of men, who, having nothing to distract them, made it their glory to recite in verse the exploits of their ancestors.

One fact is certain: so late as the times of Pisistratus, the Ho-

meric rhapsodies were recited separately by the rhapsodists in the public squares, and that usurper was the first person who had them collected and arranged in the order which appeared to him most suitable. In the same manner, Charlemagne caused the ancient Germanic poetry, until his time transmitted orally, to be collected. In like manner, the Arabs, about the seventh century, formed the collections, called *Diwans*, of unwritten poems of preceding ages; and, in more modern times, Macpherson brought together the scattered poems now known as the works of the Son of Fingal.

But is it possible that these rhapsodists, who, during several generations, sung the poems of Homer in detached morsels, can have avoided changing the order, corrupting the text, and confounding in their popular and theatrical recitations, the compositions of divers authors? And the friends of Pisistratus, in forming a single poem from these scattered pieces, will they not have selected, arranged, and corrected them at their pleasure? Among the associates of a tyrant, who, without doubt, trusted all literary researches to his friends, since he must have found sufficient occupation for his attention in his usurpation, and in the artifices which usurpation entails; in the number of the associates of Pisistratus, we say, is found Onomacritus of Athens, who, a short time afterwards, was convicted and punished, for having inserted long and frequent interpolations in the works of Orpheus and of Musæus, (a fact not calculated to raise an advantageous opinion of his fidelity or of his scruples,) and who afterwards sold himself to the tyrants expelled from his country, to raise against his fellow-citizens another despot. From Pisistratus to the Ptolomies, who will pretend to tell us how many times these new castings, general or partial, were repeated?

To the possibility that the *Iliad* and *Odyssey* have been, we do not say formed entirely, from rhapsodies collected at random, but in that manner considerably increased, the uniformity of style and of poetic colouring, are objected; but all the epic poems of the Greeks resemble each other in style as well as in dialect. That of Hesiod, that of the battle of the frogs and mice, that of Quintus of Smyrna, differ, it is true, but almost imperceptibly, from that of Homer; and the superior rank of this last depends on the vigour of its conceptions, on the vivacity of an exhaustless imagination, much more than on any thing which may be called style.

This conformity in the manner of expression is a characteristic trait of the period of society in which the Homeric poems were composed. No one can read the poems of Ossian without being struck by their uniformity; and yet Ossian certainly was not one single bard. The individual character of writers is very late in showing itself. As long as the human mind is contending, as it were, against barbarism, there is in all styles a general resemblance. In this, as in all other things, extremes unite. The absence of civilization gives

to all individuals nearly the same tint; civilization in its state of progression develops their differences; but in the extreme of civilization these differences again disappear. The only variation between the effect of the extremes is, that what in the first case was the natural consequence of the circumstances of society, is in the second the result of wilful imitation; and what was uniformity in the one, becomes in the other monotony.

To these considerations might be added others drawn from our ignorance of the life of Homer. The stories related of his wretched and wandering existence, do not accord with the epoch assigned to him. The Homeric poems do not paint bards in such a state of degradation. Such debasement could only be produced by the decline and the fall of the Greek monarchies. In warlike and barbarous times, such as were the heroic ages of Greece, poets were ever held in the highest consideration, both by the kings and the people. We find a proof of this in all the historical monuments of the Scandinavians, who, in many respects, resemble the Greeks. But in proportion as civilization advanced, the life led by men becomes more laborious, and ideas of utility acquiring greater empire, poets lose their importance. They themselves are sensible of their decline, and they deplore it. Adopting the idea that Homer existed, it is impossible to explain how, in speaking of the minstrels, his predecessors, so well received and so well treated, he did not make some allusion to himself and to the difference of his lot.

No chance never produced, on the precise line which separates two states of civilization, one man capable of painting that which no longer existed, and that which was about to exist. Homer, like Hercules or Buddha, is a generic name.

The Homeric poems were the work of several bards, each of whom was the organ and representative of his age. Two, or perhaps three, primitive poems, may have arisen and served for a centre; but these poems have undergone several important transformations; several episodes have, by degrees, arranged themselves around them; and parts, foreign to them, have been inserted in each; and the date of these parts, of these episodes, and of the two poems, can be determined only by moral proofs. Of such, we distinguish irrefragable ones in the essential differences which distinguish the *Iliad* from the *Odyssey*; and, since these differences would be inexplicable if the two works are to be attributed to the same author, or to the same age, we must regard them as the productions of two distinct authors, and of two different ages.

We do not think, therefore, that, to the picture we have drawn of the first polytheism of the Greeks, the mythology of the *Odyssey* can be opposed. This poem belongs to an epoch posterior to polytheism.

Generally speaking, we must distinguish in the Homeric poems three sorts of mythology:

ANCIENT SONG OF VICTORY.*

' Fill high the bowl with Samian wine,
Our virgins dance beneath the shade.'—BYRON.

Io ! they come, they come !
Garlands from every shrine !
Strike lyres to greet them home ;
Bring roses, pour your wine !

Swell, swell the Dorian flute
Through the blue, triumphal sky !
Let the Cittern's tone salute
The Sons of Victory !

With the offering of bright blood,
They have ransomed hearth and tomb,
Vineyard, and field, and flood ;—
Io ! they come, they come !

Sing it where olives wave,
And by the glittering sea,
And o'er each hero's grave,—
Sing, sing, the land is free !

Mark ye the flashing oars,
And the spears that light the deep ?
How the festal sunshine pours
Where the lords of battle sweep !

Each hath brought back his shield ;—
Maid, greet thy lover home !
Mother, from that proud field,
Io ! thy son is come !

Who murmured of the dead ?
Hush, boding voice ! We know
That many a shining head
Lies in its glory low.

Breathe not those names to-day !
They shall have their praise ere long,
And a power all hearts to sway,
In ever-burning song.

But now shed flowers, pour wine,
To hail the conquerors home !
Bring wreaths for every shrine—
Io ! they come, they come !

* By Mrs. Hemans.—From the ' Literary Souvenir,' for 1898.

JOURNEY FROM MADRAS TO BOMBAY.

No. VI.

Rajah of Courg—Indian Hunting—Hindoo Palaces—Women—Architecture—Animals—Night Travelling—Burning Forests.

I rose at half-past six, and perceived, as on the preceding day, that a thick fog had settled on the whole of this mountainous district. I strolled into the garden, (where, for the first time in India, I saw some flourishing young oaks,) and should have liked to extend my walk into the country, but I found that being a great man was much more dignified than entertaining, for I could not stir without the attendance of a couple of armed guards, and a servant with an umbrella; so that after moving in state once or twice round the walks, it became so unpleasant, and at the same time so ridiculous, that I was under the necessity of re-entering the house, to get rid of my attendants. As soon as they were gone, I mounted by a ladder to the terrace-roof, and walked for half an hour, enjoying the coolness of the morning, and the beauty of the view which began to appear as the fog vanished, but unfortunately, by its dispersion, my retreat was discovered, for some one spying me from below, half a dozen lacqueys were at my side in an instant.

Whilst at breakfast, a message came from the Rajah of Courg to say that he was going out hunting, and would be glad of my company. An elephant and palanquin were of course in waiting, the former of which I mounted, and proceeded to the palace. On entering the square, I perceived the Rajah seated on the neck of a huge elephant, very handsomely caparisoned, with gold rings round his tusks, and it seemed to have been his Majesty's amusement to ride this animal at full speed, using, as a goad, the arrow mentioned to be on the table the night before. We made towards him, when he courteously commanded his elephant to kneel down—my driver did the same, and we both dismounted and shook hands. The Rajah was accompanied by his son, who laid hold of my hand with much affability, and we all walked together towards an apartment where a couple of lionesses were kept for show. This was floored, and divided into two compartments by strong wooden partitions breast high, and in the middle of each there was a thick wooden post, to which the animals were fastened by an iron chain and brass collar. They were both very savage, growling and springing at us with all their might; and, unaccustomed as I was to see wild beasts so secured, I could not help looking to the links with some anxiety.

From hence we passed to the palace, which was about fifty yards long and two stories high. In the centre a portico covered the main entrance, and served at the same time as the foundation of a projecting window above, while two colonnades or piazzas were

Original Herald, Vol. 16, p. 11

continued on each side to the end of the building, and these were particularly admired by the Rajah, and pointed out by him as constructed with English or circular arches. The palace was certainly on the whole neatly built for a work of Hindoo taste, and might be taken for a row of handsome barracks. We entered it at one end, and passed by a flight of narrow stairs to the upper story. The whole of this floor we found to consist of three long chambers, well carpetted and hung with lamps. The projection in the centre apartment, over the portico, was fitted up in a much more handsome style than the rest of the palace, and in the middle of it there was a solid silver chair, in which the Rajah, on certain occasions, sits enthroned in state, and can thus survey his subjects collected in the area below. It is an established custom among Eastern princes, thus to show themselves to their people, and in this public manner to hear their complaints. The upper story of the palace was supported on a double row of columns and Mohammedan arches, by which I mean arches composed of a number of smaller semicircles, such as I have never seen used in any but Native, and in general, Mohammedan buildings.

Whilst entering the first of the apartments which I have mentioned, I perceived a number of females hastening out of the last, and we now walked towards the place whence they had made their exit, so that I had some hopes of an introduction to the ladies, but I was disappointed, for instead of pursuing their path, we entered a long passage leading to some steep steps, by which we mounted to the roof of the building. This was of the point form, and covered with very small semicircular tiles, skilfully put together, and well entitled to the admiration which the Rajah evidently expected to raise by its exhibition. All this time the young son, who was an affable and interesting little fellow, had hold of my hand. He asked me if I could speak Hindoostanee, and seemed sorry that I could not converse with him in that language. I had forgotten to mention, that in his forehead he had a red spot, with a small black one underneath, while his temples were smeared with whitening.

After we had enjoyed a view, from this elevated situation, of the town and fort, we descended, and passed to the apartment where we had been seated on the preceding evening. Here the Rajah again invited me to accompany him on his hunting excursion, but I thought I could perceive by his manner, and the pains he took to explain to me how hot it would be, that he did not wish me to accept his offer, so that I declined, sacrificing, perhaps foolishly, the gratification of my curiosity to what I fancied to be his wish. As we were, therefore, now to part, he presented me with a Courg knife,* a gold-headed sandal-wood stick, and a white shawl. I

* An instrument about two feet long, with a heavy broad blade, and an ivory handle.

pressed his Highness to name any thing which I could bring him from Europe, whither I was about to proceed. At first, he either did not recollect any want, or did not believe that I should supply it, but on further solicitation, he sent for a gun of English manufacture, which went off by the striking of a hammer on some explosive mixture. His stock of this powder, he said, was all exhausted, and he wished for a fresh supply, which I promised to procure. I may add, that I afterwards faithfully fulfilled my promise.

We now passed out of the antichamber together, where he showed me a handsome hand-organ, presented to him by an English gentleman, and previously to entering his palanquin, he turned to me and desired to know my opinion as to the best position for the poles of this conveyance. The question was easily answered. If the poles be placed low, the centre of gravity being but little below the centre of motion, the palanquin tilts about, and there is even danger that it may overturn; but if high, the weight remains steady. I therefore gave the preference to high poles, and he seemed well satisfied, as if my remark accorded with something he had formerly said, and immediately gave some orders in consequence. He then begged me to write my name on a piece of paper, which he presented, and we mounted our respective vehicles.

Among his suite I could perceive several women dressed in blue, probably dancing girls, and his priests, or gooroos, also accompanied him, though neither of these descriptions of persons were likely to be of much assistance in his hunting excursion; then followed a troop of archers and attendants, carrying seven or eight excellent double-barrelled guns. Native soldiers, armed with matchlocks and knives, and a sawaree of about fifteen elephants, closed the procession.

I now retired to the house, intending to set out again on my journey at two or three o'clock in the day. As I have not yet described this mansion, I may observe that its shape resembled the Mysore bungalows, although it was on a larger scale. The centre room was carpetted, and had four lamps hanging from the four corners; there were four doors to it, corresponding to its sides, which opened into a surrounding gallery. This gallery was glazed all round, and with Venetian shutters on the outside. It had also four doors corresponding with those of the inner room, and which led out to as many open balconies. At the four corners of the building there were bed-rooms, with two glass windows in each. The ascent to these rooms was by ladders in the balconies, and from hence we could perceive the excellent construction of the roof, formed of small tiles like that of the palace, terminating in a ledge plated with iron, extending all around, to collect the rain, and conduct it into iron pipes. All the hinges of the windows in the inner verandah, and of the doors, were of brass, and kept brightly polished. The ground-floor was on the same plan as the upper story, except

that a portico supplied the place of the balcony which was over it, and that one of the corner rooms was appropriated to a staircase. Such was the mansion at Madakery, appropriated exclusively to the accommodation of European visitors, which I have been thus particular in describing, as well to show the state of the art of building in this remote corner of the globe, as the really magnificent hospitality of a petty Indian prince.

Having finished my dinner at three o'clock, I started on an elephant for Virajapetta; and when I had descended the mountain, and had passed through the gateway at the bottom, I perceived a crowd of people before us, around some object on the ground. As we approached them, the elephant was ordered to kneel, and I dismounted. The Rajah, it seems, had returned from hunting, and had sent his day's sport to this place, for my inspection. There was a large red elk, which, it was particularly explained, had been shot through the flank, whilst only his hind quarters were visible. This, the Rajah had sent word, was not his usual practice, as he almost always put the ball through the head or shoulders, but was done from necessity, as the animal was making off. I thought it would be complimentary to request the horns, and these, with a part of the forehead, were immediately separated and presented to me. I observed that under each eye there was a long cavity, but I am not sufficiently acquainted with natural history to know whether this was a peculiarity. The Rajah had also shot a small animal of a description which I had never before seen or heard of: the Natives called it coora panri; it was about the size of a pig, and its legs, which were slender, were cloven like those of that animal; its head was shaped like that of a guinea-pig, and it had two long tusks coming forth from the upper jaws. It was covered with red hair, with white spots and stripes in it like that of a spotted deer, and its belly was white; the tail was very short. I expressed my admiration, of course, at the Rajah's skill, and sent him word that I wished he might destroy his enemies as easily as his game.

We pursued our journey, and in the course of three hours, or fourteen miles, we arrived at the resting-place I have before mentioned. Here some fault seemed to have been committed by one of the officers on the spot, probably the omitting to have in readiness a relay of elephants, for the subidar flew into a violent passion, ordered one of the soldiers to beat him, and even took the trouble to descend from his elephant in order to knock him down.

I had already witnessed on the road some proofs of despotism, for almost every person we met was ordered into our train to carry something; and one poor man, who had probably just finished a hard day's labour, perceiving our approach, had mounted a tree to hide himself; he was, however, spied out and pressed into the service. What punishment was afterwards inflicted on him I know not, but I fear he did not escape chastisement, for, with every wish

to prevent injustice, I felt the inutility as well as impropriety of interfering.

It was now quite dark, and we crossed the river by torch-light. A plentiful supply of firebrands, composed of bundles of inflammable sticks, were brought out of each village as we passed along, and fires were lighted at different intervals on the road. Nothing can be conceived more picturesque than travelling in this manner. As the way lay among woods, the effect was astonishing; and when we wound down some steep and rocky pass, with our palanquins, elephants, and armed Indians, overshadowed by Gothic arches of bamboo, and illumined by the glare of torch-light, the scene looked more like enchantment than reality.

Among bamboo woods, it frequently happens that extensive conflagrations take place in consequence of the friction of the closely-entangled branches when blown about by the wind. In our journey this night, we passed one or two burning forests: they were not, however, set on fire in the manner just mentioned, but by the inhabitants, who were clearing the country in order to extend the cultivation. The grandeur of these blazing wildernesses is most striking when seen at night, and the sublimity is increased by the crackling sounds of the underwood, and the crash of falling timber.

After a march of seven hours, we arrived at Virajapetta at half past ten o'clock. The distance of this place from Madakery could not be far short of 30 miles, for the elephant's pace is about five miles an hour in a level country, and as they are expert climbers, their rate seems to be nearly four miles an hour even over hills. On my arrival, the people who had before paid me a visit, came again to see me, bringing presents of fruit and milk. They asked my orders respecting the time when they should have the elephants ready in the morning, and as soon as they had received them, took their leave, when I retired to rest, much fatigued.

THE VOICE OF HOME.*

TO THE PRODIGAL.

OH! when wilt thou return
To thy spirit's early loves?
To the freshness of the morn,
To the stillness of the groves?
The summer-birds are calling,
Thy household porch around,
And the merry waters falling,
With sweet laughter in their sound.

* By Mrs. Hemans.—From the 'Literary Souvenir,' for 1828.

And a thousand bright-veined flowers,
'Midst the banks of moss and fern,
Breathe of the sunny hours—
But when wilt thou return ?

Oh ! thou hast wandered long
From thy home without a guide,
And thy native woodland song
In thine altered heart hath died.

Thou hast flung the wealth away,
And the glory of thy spring,
And to thee the leaves' light play
Is a long-forgotten thing.

—But when wilt thou return ?
Sweet dews may freshen soon
The flower within whose urn
Too fiercely gazed the noon.

O'er the image of the sky
Which the lake's clear bosom wore,
Darkly may shadows lie—
But not for ever more.

Give back thy heart again
To the gladness of the woods,
To the birds' triumphant strain,
To the mountain-solitudes !

—But when wilt thou return ?
Along thine own free air,
There are young sweet voices borne—
Oh ! should not thine be there ?

Still at thy father's board
There is kept a place for thee,
And by thy smile restored,
Joy round the hearth shall be.

Still hath thy mother's eye,
Thy coming step to greet,
And look of days gone by,
Tender, and gravely sweet.

Still, when the prayer is said,
For thee kind bosoms yearn,
For thee fond tears are shed—
—Oh ! when wilt thou return ?

DOCTRINE OF SUMMARY COMMITMENT FOR CONSTRUCTIVE CONTEMPTS OF PARLIAMENT, AND OF COURTS OF JUSTICE.

No. III.

IN 1790, (May 21,) complaint was made to the House by General Bourgoyne, of a libellous publication in one of the morning papers, signed 'JOHN SCOTT,' a member of the House. In his defence, Major Scott recriminated against Mr. Burke, Mr. Sheridan, and General Bourgoyne, as being the authors of far stronger libels than he had ever written. After some debate, the House adjourned to the 27th of May. General Bourgoyne moved that he be reprimanded at the bar by the Speaker. Mr. Pitt moved, by way of amendment, that he be reprimanded in his place. Mr. Wyndham said, 'that the magnitude of the offence would, in his mind, have fully justified *expulsion*; and expulsion for such a crime would have been the punishment adopted by their ancestors, had the offence been committed in their days.' Perhaps our ancestors would have sentenced the offender, on his knees, to imprisonment, *until* he retracted, and made his submission. Mr. Fox said, 'Was it not fair to argue, that if the mildest of the two (modes of reprimand) were insisted on, in an atrocious and flagrant case, those who pressed for it would have prevented any punishment if they decently could have done so, and that they were desirous of standing between the criminal and justice? He agreed with his honourable friend that the offence merited expulsion.' Next day, Major Scott attended in his place, and was reprimanded by the Speaker.

The following case of constructive contempt occurred in the Court of Justiciary, at Edinburgh, 3d February, 1793. Captain William Johnston was proprietor and editor of 'The Edinburgh Gazetteer,' whose politics accorded with those of the Reformers. Three young lads, printers, Morton, Anderson, and Craig, having been sentenced to nine months imprisonment for uttering seditious speeches to certain soldiers, who appeared against them as witnesses, an account (probably very little caricatured) of the Lord Justice Clerk's speech on their trial appeared in the 'Gazetteer.' It was sent by an anonymous correspondent, who avowed the fact to Captain Johnston eighteen years afterwards.

After which followed a report of the evidence for the prosecution in the same tone.

For this, Captain Johnston, and the printer, Simon Drummond, were sentenced to three months imprisonment in the Tolbooth, and to give security for their good behaviour for three years, the former in the sum of 500*l.*, the latter in the sum of 100*l.* In January, 1793, the Lord Advocate moved the Court to declare the bond of

caution forfeited, and to grant warrant for the recovery of the penalty of 500*l.* from Captain Johnston, and his two sureties, Dr. Francis Home and James Campbell, on the ground that Captain Johnston had attended as a visitor, and spoken at some meetings of the Convention of Friends of the People. From the printed pleadings, it appears that Captain Johnston had considered it prudent to transfer the property of the '*Gazetteer*,' 'at a very considerable loss to his family.' The Court did not enforce the recovery of the penalty.

When Mr. Burke was examining a witness, on the trial of Mr. Hastings, in May 1793, he was interrupted by the Archbishop of York, who said, 'That it was impossible for him to sit silent, to listen to the illiberal conduct of the managers; that they examined a witness, as if he was not a witness but a pickpocket; and that if Marat or Robespierre were there, they could not conduct the impeachment in a more scandalous manner.' Mr. Burke received this burst of intemperance with admirable presence of mind and dignity. He declared that he had not heard one word that his Grace had said. This passage appeared in '*The World*' of 27th May; and on June 12, Mr. Whitbread moved that it contained 'matter of a scandalous and libellous nature,' &c., intending to follow that motion up by letting loose the 'monster' against the unfortunate printer, for his accurate report of the Archbishop's rudeness. Mr. Dundas moved an adjournment, which was carried by a majority of sixty to eighteen. On this occasion, Mr. Burke, who did not vote, said, 'He had two motives for rising at present; one was to say, that after what had passed in the King's-Bench, on the trial of Stockdale, he never would consent to order another prosecution in that Court for any libel upon the House of Commons. The House was constitutionally empowered to punish by attachment every breach of its own privileges, and ought never to suffer that power to be taken out of its own hands, nor delegate the exercise of it to any Court whatever. The other was, to declare that the ends of justice must necessarily be defeated, if, while a public prosecution was depending in a court of law competent to decide upon it, another tribunal was suffered to be erected in a newspaper, to try the prosecutors, mislead the judgment of the nation, and poison the public mind against those who were labouring to bring offenders to justice.'

On the above occasion, the printer of the paper complained of was to be punished, not for a contempt of the court whose proceedings he reported, but of one of the parties in the trial; and not for an *ex-parte* statement of those proceedings, mixed with injurious comment, but for a true report of what fell from one of the *Judges*, who was thus virtually charged with having uttered matter of a scandalous and libellous nature, in his place as a member of the high Court of Parliament! Was it worthy of Mr. Whitbread and

the seventeen who followed him, because they could not touch the Archbishop, but could only brandish their mace at him, to let it fall with all its weight on the innocent printer? The House of Lords had just as good grounds on which to punish the reporter of this day's debate in the House of Commons; and thus the two Houses might be engaged in an endless reciprocation of railing at each other, while third parties were crushed by their collisions. But those who constitute themselves judges in their own causes have no right to complain if others mete to them with the same measure; and therefore, if it is a gratifying sight to see the Houses of Parliament smarting under the practical exemplification of the doctrine of constructive contempt, it is only because such things tend to accelerate the time when a really free press shall prevent the recurrence of such violations of justice and decorum, and protect men in high stations from betraying those infirmities of temper, which 'robes and furred gowns,' instead of hiding, make more conspicuous and degrading. The most pertinent commentary on this text was furnished in less than twelvemonths by the following occurrences:

In 1794 (March 5th,) upon the motion of Mr. Burke, it was ordered, 'that a Committee be appointed to inspect the Lords' Journals, in relation to their proceedings on the trial of Warren Hastings, Esq., and to report what they found therein to the House; and that the Committee of Managers be the said Committee.' On the 17th it was also ordered, on the motion of Mr. Burke, 'that the said Committee do report to the House the several matters which have occurred since the commencement of the said prosecution, and which have in their opinion contributed to the duration thereof to the present time, with their observations thereupon.' This report, from the unrivalled pen of Mr. Burke, was ordered to be printed for the use of the Members of the House of Commons, and was shortly after reprinted and published in the shape of a pamphlet by Mr. Debrett of Piccadilly. In consequence of which, in the course of a debate which took place in the House of Lords, on Thursday the 22d of May, on the Treason and Sedition Bills, Lord Thurlow took occasion to mention 'a pamphlet, which his Lordship said was published by one Debrett, in Piccadilly, and which had that day been put into his hands, reflecting highly upon the Judges and many Members of this House; *it was disgraceful and indecent; such as he thought never ought to pass unpunished.* He considered that vilifying and misrepresenting the conduct of Judges and Magistrates intrusted with the administration of justice, and the laws of the country, was a crime of a very heinous nature, most destructive in its consequences, because it tended to lower them in the opinion of those who ought to feel a proper reverence and respect for their high and important stations; and when it was stated to the ignorant and the wicked, that their Judges and Magistrates were ignorant and corrupt, it tended to lessen their respect

for, and obedience to the laws of the country, because they were taught to think ill of those who administered them.' On the next day, Mr. Burke called the attention of the House of Commons to the above circumstance in the following speech :

Mr. Burke said : ' Mr. Speaker, the licence of the present times makes it very difficult to talk upon certain subjects in which parliamentary order is involved. It is difficult to speak of them with regularity, or to be silent with dignity or wisdom.

' It has not been uncommon to attack the proceedings of the House itself under colour of attacking those irregular publications ; and the House, notwithstanding this colourable plea, has, in some instances, proceeded to punish the persons who have thus insulted it.

' I understand, Sir, that in a place which I greatly respect, and by a person likewise for whom I have great respect, a pamphlet published by a Mr. Debrett, has been very heavily censured. That pamphlet, I hear, (for I have not read it,) purports to be a report made by one of your Committees to this House. It has been censured (as I am told) by the person, and in the place I have mentioned, in very harsh and very unqualified terms. It has been said, and so far very truly, that at all times, and particularly at this time, it is necessary for the preservation of order and the execution of the law, that the characters and reputations of the Judges of the Courts in Westminster Hall should be kept in the highest degree of respect and reverence ; and that in this pamphlet, described by the name of a libel, the characters and conduct of those Judges upon a late occasion have been aspersed, as arising from ignorance or corruption.'

' Sir, I think it impossible, combining all the circumstances, not to suppose that this speech does reflect upon a report which, by an order of the Committee on which I served, I had the honour of presenting to this House. For any thing improper in that report I am responsible, as well as the other members of the Committee, to this House, and to this House only. The matters contained in it, and the observations upon them, are submitted to the wisdom of the House, that you may act upon both in the time and manner that to your judgment may seem most expedient, or that you may not act upon them at all, if you should think it most useful to the public good. Your Committee has obeyed your orders ; it has done its duty in making that report. I am of opinion, with the eminent person by whom that report is censured, that it is necessary, at this time very particularly, to preserve the authority of the Judges. This, however, does not depend on us, but upon themselves. It is necessary to preserve the dignity and respect of all the constitutional authorities. This, too, depends upon ourselves. It is necessary to preserve the respect due to the House of Lords : it is full as neces-

sary to preserve the respect due to the House of Commons ; upon which (whatever may be thought of us by some persons) the weight and force of all other authorities within this kingdom essentially depend. If the power of the House of Commons is degraded or enervated, no other can stand. We must be true to ourselves ; we ought to animadvert upon any of our members who abuse the trust we place in them : we must support those who, without regard to consequences, perform their duty.

‘ For your Committee of Managers, and for myself, I must say, that the report was deliberately made, and does not, as I conceive, contain any very material error, nor any undue or indecent reflection upon any person. It does not accuse the Judges of ignorance or corruption. Whatever it says, it does not say calumniously. This kind of language belongs to persons whose eloquence entitles them to a free use of epithets. The report states, that the Judges had given their opinions secretly, contrary to the almost uninterrupted tenor of parliamentary usage on such occasions. It states, that the opinions were given, not upon the law, but upon the case. It states, that the mode of giving the opinions were unprecedented, and contrary to the privileges of the House of Commons. It states, that the Committee did not know upon what rules and principles the Judges had decided upon those cases, as they neither heard them, nor are they entered upon the journals. It is very true, that we were and are extremely dissatisfied with those opinions, and the consequent determinations of the Lords ; and we do not think such a mode of proceeding at all justified by the most numerous, and the best precedents. None of these sentiments are the Committee, as I conceive, (and I full as little as any of them,) disposed to retract, or to soften in the smallest degree.

‘ The report speaks for itself. Whenever an occasion shall be regularly given to maintain every thing of substance in that paper, I shall be ready to meet the proudest name, for ability, learning, or rank, that this kingdom contains, upon that subject. Do I say this from any confidence in myself? Far from it. It is from my confidence in our cause, and in the ability, the learning, and the constitutional principles, which this House contains within itself, and which, I hope, it will ever contain ; and in the assistance which it will not fail to afford to those who, with good intention, do their best to maintain the essential privileges of the House, the ancient law of parliament, and the public justice of the kingdom.

‘ No reply or observation was made on the subject by any other member.

In 1795, (November 23,) Mr. Sturt read to the House several pages from an anonymous pamphlet, entitled, ‘ Thoughts on the English Government,’ and among others the following :

‘ With the exception of the advice and consent of the two Houses

of Parliament, and the interposition of juries, the government, and the administration of it in all its parts, may be said to rest wholly and solely on the king, and those appointed by him. Those two adjuncts of parliament and juries are subsidiary and occasional; but the king's power is a substantive one, always visible and active. By his officers, and in his name, every thing is transacted that relates to the peace of the realm and the protection of the subject. The subject feels this, and acknowledges with thankfulness a superintending sovereignty, which alone is congenial to the sentiments and temper of Englishmen. In fine, the government of England is a *monarchy*; the monarch is the ancient stock from which have sprung those goodly branches of the legislature, the Lords and Commons, that at the same time give ornament to the tree, and afford shelter to those who seek protection under it. But these are still only branches, and derive their origin and their nutriment from their common parent; they may be lopped off, and the tree is a tree still; shorn, indeed, of its honours, but not like them, cast into the fire. The kingly government may go on in all its functions, without Lords or Commons; it has heretofore done so for years together, and in our times it does so during every recess of Parliament; but without the King, his Parliament is no more. The King, therefore, alone it is who necessarily subsists without change or diminution; and from him alone we unceasingly derive the protection of law and government.'

The pamphlet was understood to be from the pen of Mr. Reeves, founder of the Loyal Association of 1792, and a keen political opponent of the party who adhered to Mr. Fox in the House of Commons, who had now caught their enemy on the hip, and were to sit in judgment on his metaphor! The passage objected to had clearly no other meaning than what Mr. Reeves ascribed to it in a subsequent pamphlet. 'The functions here meant,' said he, 'were those which the King can *by law* exercise, and not such as he cannot: what the King can, and not what he cannot do; according to that axiom of our law respecting the regal government, *Rex nihil potest, nisi quod jure potest*. But the meaning is explained fully by the example of a *recess of Parliament*. 'In our times it does so during every recess of Parliament.' This is so plain an example to control and expound the whole of the metaphor, that I will not add one more syllable upon it.' The matter, however, is rendered still more plain by exhibiting *the passage without the metaphor*:

'In fine, the government of England is a monarchy,—the monarchy is the *caput principium et finis* of the high Court of Parliament, or *Legislative Council* of the realm, the Lords and Commons, that, at the same time, *reflect dignity on the King, and afford protection to the subject*; but these are still only a *Council*, and derive their origin and authority from the monarch; they may

be dissolved, and the King is a King still, deprived, indeed, of this part of his dignity, but not losing his state like them, who become private individuals. The executive government may go on in all its functions without Lords or Commons; it has heretofore done so for years together; and, in our time, it does so during every recess of Parliament; but without the King, his Parliament is no more. The King, therefore, alone it is who necessarily subsists without change or diminution, and from him alone we *unceasingly* derive the protection of law and government.'

Thus the passage was not only innocent, but correct; but if it had been ever so incorrect, would such incorrectness have been a crime, and the House of Commons a fit court to try the offender? Above all, was it decent that all those who, in their opposition to the Treason and Sedition Bills then pending, were contending for the utmost latitude of toleration in matters of opinion, should, on this occasion, be most eager to be prosecutors and judges of a man for his political opinions?

Mr. Erskine declared, that were he a juror himself, he would pronounce a verdict on Mr. Reeves, without leaving the box. He also said, 'When a jury shall be empannelled to try this cause, and see the attack upon the constitution stated in the indictment, they must, I am convinced, *feel themselves involved as parties in the libel*, as well as the House of Commons which ordered the prosecution.' It is most true that juries do often feel themselves involved as parties in cases of libel, sometimes identifying themselves with the prosecutor, sometimes with the defendant; and this circumstance, which affords one of the strongest arguments against making the offence of libel cognizable even by a jury, is, *by Mr. Erskine*, made a matter of congratulation, and a reason for urging the House to send Mr. Reeves before such a tribunal!

Mr. Fox said,—'I *always* doubted the wisdom of prosecuting for opinions; but when opinions are made the grounds for the alarming bills now pending, it is for the House to see whether they ought not to hold this libel in equal abhorrence with any that ever came before them. I am not fond of prosecuting for opinions, and I propose merely that the House should publicly declare the sentiments they entertain of this atrocious libel. Great God! shall it go out into the world that a gentleman of distinguished talents, and powerful influence in the Cabinet (Mr. Wyndham), holds the doctrine which this passage inculcates! If he adheres to that opinion, it is a demonstration that the system of the Cabinet is changed, that a settled plan for overthrowing the liberties of the people is entertained.'

The question was put, that the said pamphlet be read, which was agreed to without a division. After it had been read by the clerk, Mr. Sheridan said, that it must now be admitted upon full proof to be the falsest, foulest, dullest, and most malicious pamphlet

that had ever issued from a prostituted press. Doubts had been stated whether the author was of importance enough to attract and call for the weighty and immediate notice of that House; but they should consider, that this person was the main agent and abettor of all those associations which originated and circulated those alarms about French principles, that had contributed so much to the unhappy state in which the country stood at that moment. He considered him, however, as too despicable for that species of trial which Sacheverell, whose works contained no principles more detestable, had suffered. He would therefore move, 'That the said pamphlet is a malicious, scandalous, and seditious libel, reflecting on the glorious Revolution; containing matter tending to create jealousies and divisions among his majesty's loyal subjects, to alienate their affections from our present happy form of government, as established in King, Lords, and Commons, and to subvert the true principles of our free constitution; and that the said pamphlet is a high breach of the privileges of this House.' The Master of the Rolls finding it impossible, he said, to make up his mind to an instantaneous decision upon such a mass of matter, moved, 'That the said pamphlet be taken into further consideration on Thursday.' In this he was supported by Mr. Pitt and Mr. Sergeant Adair; and opposed by Mr. Erskine, who moved that the word 'to-morrow' be inserted instead of 'Thursday.'

Mr. Fox said,—'Is this exceptionable passage so long, is it so doubtful, that after having heard it once read, the House can have any hesitation with respect to its tendency? Do Ministers wish for the delay of a few days, in order to give notice to the author of the libel to get out of the way? Do they wish for time in their distressed situation in order to palliate the atrocity of the libel, by some straining and twisting of the other parts of the pamphlet, and justify the declaration set up by the Right Honourable the Secretary at War, that it is perfectly innocent? It is a libel of a more dangerous nature, and a worse tendency, than any that have been issued by the Constitutional and Corresponding Societies.'

November 26.—The debate on Mr. Sheridan's motion being resumed, it was strongly opposed by Mr. Wyndham. Mr. Fox said,—'My own difficulty is, what the conduct of the House should be on this occasion. I profess myself an enemy to prosecutions for libellous attacks; and yet, at such a time as this, when Mr. Reeves's Association are spreading their pernicious doctrines abroad, I am anxious that the House of Commons should express their disapprobation of principles recommended by that Association. *I wish to get at the author of this pamphlet*; and this is so material an object, that I think the better way would be, for the House *to keep this business in its own hands*.'

December 14.—The report of the Committee appointed to inquire who was the author of the pamphlet, entitled '*Thoughts on*

the English Government,' being this day taken into consideration, Mr. Sheridan moved, 'That one of the said printed books be burnt by the hands of the common hangman in the New Palace-yard, Westminster, on Monday, the 21st day of this instant December, at one of the clock in the afternoon; and that another of the said printed books be burnt by the hands of the common hangman before the Royal Exchange, in London, on Tuesday the 22d day of this instant December, at the same hour; and that the sheriffs of London and Middlesex do attend at the said times and places respectively, and cause the same to be burnt there accordingly.' As an amendment to this motion, Mr. Secretary Dundas moved, 'That an humble address be presented to his majesty, humbly to desire his majesty that he will be graciously pleased to give directions to his Attorney-General to prosecute John Reeves, Esquire, as the author or publisher of a printed pamphlet, entitled 'Thoughts on the English Government,' &c.

Mr. Fox said,—'That as a pamphlet, such as this, had been brought before the House, they should not content themselves with a mere vote of censure, but should make the pamphlet undergo, as it were, the ignominious punishment of burning.' Arguments had been used to show, that the House, if they adopted the motion, would, at the same time, be judge and jury. '*Is it not in the nature of things that it must be so?*'—About punishment he was little solicitous, and he should even have cared little about burning the pamphlet, if Mr. Reeves had not been at the head of these Associations; and if this, and other pamphlets, circulated by these Associations, had not proceeded from the same shop. The removal from a place of trust was certainly a severe punishment; but was it not inflicted in cases where particular tests were not taken? Had it not been inflicted in similar cases to the present? In the case of the Bishop of Worcester, who had interfered in an election, did not the House petition the Queen to remove him from the office of Almoner to her majesty?

Mr. Sheridan's motion was put, and negatived; after which, Mr. Dundas's motion for the Attorney-General to proceed against Mr. Reeves was agreed to.*

* On the trial of John Vint, in 1799, for a libel on the Emperor of Russia, the same Attorney-General said, 'In the case of Mr. Reeves, perhaps, I hardly conduct myself as I ought to have done, having, from delicacy, abstained in the House of Commons from taking any share in the debate; whereas I ought rather to have followed the example of Lord Hardwicke, and have spoken my sentiments upon it, and after the address was voted, have begged that his Majesty might command the alleged libel to be prosecuted by some other of his servants. I admit the paragraph complained of in the book of Mr. Reeves was improper, but upon reading the whole of it, I thought it manifest that the author had no evil intention.'—*State Trials*, vol. xxvii. p. 639.

The jury pronounced Mr. Reeves NOT GUILTY. To complete this memorable case, and to throw additional light on Mr. Fox's sentiments as to the treatment of libel, it is only necessary to add the following passage from his speech, November 30, 1795, that is between the introduction into, and final disposal by, the House of Commons of Mr. Reeves's pamphlet : ' The honourable and learned gentleman has spoken of libels against the King and other persons. *His opinion* was, that libelling the King and individuals had not been sufficiently punished ! He would prosecute, with the utmost severity, all libels on the characters of persons, with whatever party they were connected. The most exemplary rigour of that sort he would connect with equal temperance in respect to libels of another description. He would punish whatever reflected on the dignity of the Chief Magistrate, or the fair fame of individuals, and all political libels he would leave to themselves ; discussion on Government, so far as they did not interfere with private character, he would permit to pass entirely unrestrained ; that was the way to make the Press respected and useful.'

HARP OF THE SOUL !

HARP of the Soul ! oh, breathe to me
 The anthem that my Laura taught,
 In youth's exulting melody,
 When all with hope and joy was fraught.
 Then fondly did my heart rejoice
 To hear thy chords with magic strung ;
 And the deep cadence of the voice
 That from her burst of rapture sprung.
 Wake the wild spell, with transport blent,
 The Syren o'er the senses threw,
 As low her fragile form she bent,
 And from thy chords such music drew.
 Her eye of inspiration beamed
 The softened ray of pure devotion ;
 Or then with Love's own lightning gleamed,
 As swelled the strain in deep emotion.
 But, silent Harp ! thy music fled
 With Laura's evanescent love ;
 And now, forlorn, to sadness wed,
 I mourn the joy I ne'er may prove.
 Yet thou, deserted Harp ! art dear
 To him, like thee, thus left alone ;
 While fond affection lingers near,
 To worship, though the idol's gone !

JANET.

DECLINING ATTACHMENT AND FIDELITY OF THE BENGAL ARMY.

To the Editor of the Oriental Herald.

SIR,

Calcutta, July, 1827.

It is a fact, universally acknowledged throughout the Bengal army, that the attachment of the Native soldiers towards the service and their European officers, has of late years very much diminished, and that this diminution increases daily, to the great deterioration of this army.

The consequences which must naturally ensue in the course of time, should the Company's dominion in the East be seriously attacked, (and the time, I fear, is not far distant when it will be,) is worthy of consideration. It is my opinion, that, in such a crisis, the Bengal army, constituted and treated as it now is, will fail the Government. Late events in this country have too plainly manifested the little hold which Government and their European officers have upon the exertions of the Native soldiers; and it becomes the duty of every well-wisher to the service, to endeavour, if possible, to discover and point out the causes of the evil, as well as to suggest those remedies which may remove it.

Under this impression, I am led to give my opinion, founded on a close observation of between twenty and thirty years.

The causes of the diminution of attachment to the military service in the Natives are too numerous and minute to detail, but they may almost all be fairly traced to the grand error of Government,—a want of consideration and respect for the Bengal army, both Europeans and Natives; for, say what they will, this is, and must be, a Military Government. This error is not confined solely to the Government, but descends to the Commanders-in-Chief (ever since Lord Lake's time) and King's General officers on the staff of this army; it is also seen in the conduct of commanding officers of Native corps, whose interest in, and connection with them, is materially lessened by the little permanency of their commands, and curtailment of authority both to reward and punish those under them. Commanding officers of regiments, feeling themselves treated with little consideration and respect, in the partiality shown to those of his Majesty, retort the same line of conduct upon those under their command, and, trusting to their authority being supported against their inferiors, act sometimes with glaring partiality towards their officers and men, alienating the respect and attachment of both; and thus the system descends through all ranks. The erroneous doctrine held by many, that a commanding officer's authority is not to be called in question by those under his command, though exerted in the cause of partiality, because it would create insubordination, is highly injurious. A commanding officer's

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conduct ought to be guided by that rule of impartiality which can leave no room for its being called in question, and subordination from respect will be best maintained by such a line of conduct ; a soldier's mouth may be shut by penalties, but his thoughts cannot be controlled ; and the soldier of this army, when reduced to a mere passive machine, is little fit for the service that is required of him ; his attachment and respect is necessary to make him efficient in the great day of need to this Government, which must sooner or later arrive.

Much has been said and written, drawing an invidious comparison between the Native and European troops ; but I would ask, are they on fair and equal terms ? Officer the Native regiments as fully as those of his Majesty, and treat them with the same respect and consideration, and then see what they will be ! It may be judged of from what they have performed under all the disadvantages of ill treatment, and a shameful paucity of European officers.

Duty alone, in the imperfection of human nature, is not a sufficient stimulus to action ; interest ought to be coupled with it, when it can be done without offering too great a temptation to forget the former, in pursuit of the latter object ; this refers to the regimental bazars, now a mere shadow without substance.

It cannot be disputed but that regimental bazars were much more efficient when commanding officers had an interest in their being well supplied, by the personal benefits accruing from them, than they are under the present system ; the evil to the soldier in the tax formerly levied is by no means decreased, but transferred only from the hands of the commanding officer to a chowdry ; nay, I may venture to assert, without fear of contradiction, that the evil is rather increased than diminished, for no one acquainted with the Natives of this country will doubt, that where a European could make 100 rupees a month, a Native would make double that amount, and without the same efficiency of supply.

I may here point out one considerable cause of the difficulty of filling our ranks with good and efficient men : it is the diminution of the pay of the Native soldier. When I say the diminution of the pay, I am not to be understood as asserting that such in *amount* is lessened, but it is lessened in value by the vast increase in price (at least from 50 to 150 per cent.) of every necessary article of his consumption. With all other classes of the community in this, as well as every other country, the price of labour has increased with the price of the necessary articles of subsistence ; with the Bengal soldier it remains the same.

The causes of the diminution of attachment and respect in the Native soldiers to their European officers are many ; but the main source of this evil also, has its rise in the little consideration and respect in which the European officers are apparently held by Government ; this has the baneful effect of destroying their zeal and

exertion in upholding the service to their men, and the interest they should show in their welfare, the abuse of which naturally creates a corresponding diminution of attachment and respect in them.

This want of consideration and respect by Government is too plainly manifested in numerous ways, and sensibly felt by them, though I shall not here point them out, with the exception of one or two.

I believe it will not be denied, that there is a strong necessity, in an army constituted as this is, and under a Military Government such as this is, held by a name, to increase and uphold the respect and veneration for the European character, and particularly in the eyes of our soldiery for their European officers ; for call this Government what name you will, it is, and ever must be, to all intents and purposes, a Military Government. What then must be the effect both upon Europeans and Natives of such a measure as the institution of the Military Courts of Request, but to degrade European officers in the eyes of the Natives, by being brought before them upon every trifling complaint, whether well or ill founded ?—it was a measure highly prejudicial to sound policy. Sufficient authority is, or ought to be, vested in a commanding officer of a regiment to settle such claims as are brought before him ; but the trouble is now taken off his hands. Surely it was a trouble properly appertaining to his situation, and he has always officers under him to have recourse to in cases of difficulty.

What, again, I would ask, must be the effect of such an instance of want of consideration towards their European officers as we have lately witnessed, when all medical assistance was taken from a detachment of 30 or 40 cadets, proceeding up the country, under the charge of an experienced and valuable officer : and they were left to proceed, even without a supply of medicine. This valuable officer (a better was not in the service) lost his life for want of medical assistance. This officer told me, with tears in his eyes, that it was shameful and cruel to see so many fine lads diseased in the state they were, without any kind of medical aid. It must be pretty well known to Government, that young men, just entered into this country, are more liable to disease, from imprudence, and the effects of climate, than those of more mature age and greater experience, and consequently require more medical assistance ; but these young officers were not treated even with the consideration the same number of private European soldiers would have been ; I doubt much if any general officer on the Staff would have ventured to have taken away all medical aid from such a detachment of privates, proceeding as these officers were. It is no argument to say, that Government were ignorant of the transaction : they ought not to have been ignorant of it ; it could not have been done without being reported to the Commander-in-Chief, whose duty it should be to attend to the welfare of every part of the army intrusted to his charge ; and when such palpable want of consideration and common humanity occur in inferiors, if their conduct is not noticed by Government with the

censure it merits, the Government itself becomes a party in the commission of the fault, and is justly open to the deep condemnation such conduct calls for.

It is not, under such an arbitrary Government as this, to be expected that every or any inferior officer will bring to its notice the sins of omission, or commission, of those high in authority. Almost certain ruin to themselves would be the consequence ; such, at least, is the universal impression on our minds in this service. It cannot, or ought not, justly to be said, that the Medical Establishment is not sufficient for the duties required of it. If it is, why is it not increased ? But the fact is not so ; for we see many civil stations with a medical man, even where there are but two or three civilians ; and at some of these, where there are troops and a medical man in charge of them, who could easily attend the civilians also, and even the jail, where there is one.

I will now proceed to mention another of the impolitic measures of our masters, and one which tends to bring the European officers into disesteem with the Native soldiers. It is the scarcity of European officers with Native regiments, thereby causing three-fourths of them to be mere boys, who ought to be at school. They are admitted into the service, or rather allowed to join regiments, and have charge of companies, much too young ; many at 15 and 16, with the manners, appearance, and pursuits, of 12 or 13, mere children. Is it to be supposed that old men, such as our companies consist of, can respect and look up to such childish things as their guardians and leaders ? Or is it to be supposed that children, thus prematurely let loose from school, will pay attention to the grave study of language and military duty, the customs, prejudices, and leading features of the Native character, or that they can duly appreciate them ? No : their object naturally is amusement, and all which trenches upon this desire is considered an irksome task, which they will never learn, unless forced to it. They either ought not to be admitted into the service under 17 or 18, or they ought to be kept in depôts, (not in or near Calcutta,) in classes, and their final admission into the service depend upon their scale of qualifications in the language, customs, &c., of the country.

Another impolitic measure is the system of the Commissariat and executive department of public works, wherein every European officer is under such suspicion, that he is obliged to take an oath to the expenditure of every rupee which passes through his hands ; whilst the Native sircar, or babboo, under him, who, in fact, has the expenditure of the money, is exempted from this ; plainly implying, that more trust is reposed in his honesty than in that of commissioned officers. These things are seen, felt, and commented on by the Natives ; and the unavoidable conclusion they draw from them is, that the European officers are no longer worthy of confidence.

The general feeling of this army is, that, let your cause be ever

so just, you never can obtain redress against the arbitrary authority of the local Government, however unjustly exercised. Such, without fear of contradiction, I aver to be the almost universal feeling ; I believe I might say the universal feeling, but that I am an exception (the only one I know of) to it ; but the time, trouble, and risk, attending the prosecution of any appeal against Government, is such as to deter most men from persevering in the attempt. Ask the Bengal army if such is not the fact ; and then ask common sense if such a feeling could so have pervaded it, without strong grounds for its predomination ?

Another cause of just dissatisfaction and complaint is, the regulation (I believe) of 1824, of the Court of Directors, (in my opinion erroneously interpreted by the local Government,) confining the allowances of companies to officers actually present with the headquarters of their regiments. A more unjust and impolitic measure never could have been thought of. By its operation, the captains and senior subalterns, who alone are eligible for detached duties, see their allowances sacrificed in favour of those who, from their standing in the service, or want of qualification, are incompetent to perform them, and by this incompetency enjoying the emoluments of the senior's absence. This measure is not only unjust in itself, but has a direct tendency to deter the juniors from qualifying themselves, either by a study of the language, or knowledge of their military duties, for the more important ones of their profession ; for, accordingly as they rise in qualification, their allowances are curtailed.

Another cause of discontent is, the erroneous idea with which young men enter this service. It was, some 35 or 40 years ago, a good service, and the delusion still exists in England ; consequently young men come out with sanguine expectations, not only of speedy promotion, but of being able to live upon their allowances in a comfortable and even luxurious manner ; but they have not been above 12 months in the country ere they find the fallacy of these expectations ; they find they can scarcely exist as gentlemen upon their allowances, and that the chances are about six to one against their reaching the rank of field-officers ; or, if they do hope to reach it, it must be so late in life as to make it as a matter of indifference. Thus they plod on, without exertion or interest in their profession. I know also, that with many in England, the pension is wofully misunderstood. Parents fancy, and inculcate the idea, that if their children are so unfortunate as to reach only the rank of captain, after 25 years' service, they are entitled to retire upon the handsome pension of their pay, which they erroneously consider between 600*l.* and 700*l.* per annum, instead of 180*l.*

When the present allowances of the Bengal army were fixed, Futtyghur was a frontier station ; and the principal part of the army was confined almost to the banks of the Ganges, with the advantages of water-carriage, and every necessary article of consumption 100 per

cent. cheaper than at present. Look at our boundaries now, and the distance of our stations from the source of supply; more than half the army removed hundreds of miles from this advantage, and the expenses of moving increased three-fold, can it be fairly said that our allowances are not reduced? Officers and soldiers of his Majesty's service get an increase of pay for length of service in particular ranks; not so those of the Company. Officers of his Majesty's service get also what is termed blood-money,—a twelvemonth's pay on being wounded; not so those of the Company. Children of his Majesty's officers have the advantages of education at a reduced expense, and a fair field open to their exertions being rewarded with commissions; not so the Company's. The circumstance of an officer's having spent his life in the service of the Company, gives him no claim to look to the reward of a commission for any of his children; while the necessary sum he is obliged to remit to England for their education, is increased by the breach of contract in our honourable masters in the depreciated and false value of the coin in which we are paid. His Majesty's officers in their temporary service in this country, where duty calls them, have increased allowances, to put them, *as it is said*, on a par with those of the Company, who are tied for life to this destructive climate. Compare their situations but for a moment, and see where the scale of advantage preponderates.

It is between twenty and thirty years since I entered this service high up in the lists of lieutenants of my regiment, since which I have seen very many regiments added to the establishment, and yet have no prospect of being a field-officer before I have served thirty years. I am convinced, I speak within bounds, when I say no officer, (with the exception, perhaps, of two or three lucky ones,) who has entered this service within the last ten years, has a chance of rising to the rank of a field-officer under a period of thirty-eight years' service. Interest also in the distribution of appointments prevails too strongly, to the exclusion of the claim of length of service; and the usages, and even published regulations of the service, are departed from, whenever strong interest exerts its influence over them, who, from the temporary nature of their situations, cannot feel a proper interest in the permanent and future welfare of the service at whose head fortune has placed them.

The junior officers of this army have strong and just cause of complaint against commanding officers of regiments, who too frequently, following up the example of the higher authorities in their want of consideration towards their European officers, neglect their just claims to consideration and attention, and suffer them to be injured and insulted, though plainly authorized and called upon to uphold them by the regulations of the service. Two instances have just come under my own observation in proof of what I have here advanced, but I dare not give you the particulars, as it might be the means of pointing me out for persecution. With such want of con-

sideration and attention to the European officers, is it to be wondered at, if, under such treatment, they should fail in that respect and attention due to their commanding officers; or if such treatment should influence them in their conduct to those under their command? Let common sense answer this question, and then look for one of the causes of the diminution of attachment and respect in the Native soldier to his European officer.*

Many of our cantonments swarm with European and Native traders in indigo, cotton, &c. Shopkeepers, half-caste writers, civil officers, &c., occupying bungalows, frequently to the exclusion of officers belonging to the station, and producing a scarcity of them, which raises the rent or price of those we occupy much beyond the fair value, to the great detriment of our interests; but I am running into a detail which would occupy volumes, and which was foreign to my intention, for, I confess, I have not abilities to do justice to the subject, without tiring both you and your readers. I therefore leave it, in hopes some one more able (more zealous for the weal of our masters I do not acknowledge) will enter fully into the causes of, and remedy for, the lamentable deterioration of the Bengal army.

MILENSIS.

TO A LADY SINGING. †

THOSE soothing tones so richly steal
 Upon my labouring breast and brain,
 And lift so softly sorrow's seal,
 Oh, dark-haired minstrel,—sing again!

Yet Love so soon his way will win
 Where Pleasure opes her golden door,
 That lest the traitor now glide in,
 Oh, dark-haired minstrel,—sing no more!

A. B.

* We are left, too, to the mercy of every Commander-in-Chief, who, for the sake of patronage, may (as has been done by the present one, in the measure of partially removing regimental officers (majors) to the command of regiments to which they do not belong,) set aside the long established usages and constitution of this army, to the great detriment of the just rights and expectations of deserving officers.

† From 'The Literary Souvenir' for 1828.

RECOLLECTIONS OF COLOMBIA, IN 1812.

WE embarked at Cumana, on board an American schooner, for La Guayra, in company with our friend, Captain M——, and two Colombian officers. The moon shone resplendently, and we enjoyed the pleasure of a charming breeze, which assured us that we should soon be wafted to our destined port; this we had great reason to desire, owing to the miserable accommodation afforded by our conveyance, and on account of our stock of water, which proved to be of a most fetid description, notwithstanding the solemn assurance of the captain, that it was the production of some celebrated spring in the neighbourhood of Bunker's-hill.

The anchorage here is, perhaps, the worst in the world, though it might be rendered perfectly secure by constructing a pier, which could be accomplished with facility, and at a trifling cost; such an undertaking has been submitted to the consideration of the Government, but, like many other good projects, it was discarded, from the indifference of these people to improvement. Exposed as the shipping are here to every agitation of the ocean within any moderate distance of the land, vessels have repeatedly been driven on shore; even in calms the sea often rolling tremendously, when there is no wind, so that no precaution could obviate the evil.

The Custom House, which we visited with our luggage, is rather an extensive building, and here are the Government offices and a suite of rooms for the use of the Governor. It is the practice in Colombia to present your passport to this personage, who has always a question or two to entertain you with, particularly if you should be so unfortunate as to arrive direct from England, as the people here profess abundance of regard for the natives of that country, and are very obsequious towards Englishmen in general. As we had dined with this gentleman a short time previously at Cumana, our conversation was confined to a few common-place remarks, which did not occupy him long, when the gallant Colonel A——, with a mixture of pride and politeness, bade us *buenos dias*, and retired from the audience-chamber; it was the only time we had the honour to kiss his Excellency's hand.

We knew La Guayra to be a wretchedly dull place, with an atmosphere ill-calculated for the constitution of an Englishman, and the greater part of the town in ruins, from the effects of the dreadful earthquake of 1812. We were conducted to a *posada*, some five minutes' walk from the Government House, and we made our appearance just in time to partake of a tolerably generous supply of the luxuries of the country, converted into French, Spanish, and Italian dishes, on which we contrived to fare sumptuously enough. The company consisted of European and American agents, masters

of vessels, clerks, captains of privateers, some Colombian officers, young adventurers with merchandize from England, and a sprinkling of *chevaliers d'industrie*. There was no general topic of conversation, but abundance of talking; and we all ate with no mean appetite, considering the heat of the weather and the toughness of the viands.

When the earthquake of 1812 destroyed the greater part of Caraccas and La Guayra, a large party were quaffing their claret at this very house, and the instant the shock was felt, the whole *coterie* rose simultaneously, with gestures which may be better conceived than described; some rushed into the street, without looking behind them until they had passed the walls of the town; others effected their escape by the balconies; but the *maitre d'hotel*, who was then an active little Frenchman, happened to be in the attic at the moment, heroically clambered upon the roof, where he had just got comfortably seated, when the whole gave way, mine host exclaiming, with the *naïveté* of his sprightly countrymen, after he had recovered from the confusion of the sudden tumble, '*Me voici! me voici! mes amis!*' although I doubt whether there were any other creatures than his domestic animals to witness his exaltation.

When we felt disposed to retire, we were ushered into our new apartment, which we soon found to be as hot as an oven; its dimensions did not exceed thirteen feet in length, and about ten or twelve in breadth, containing three *stretchers*, or pallets, each provided with a mattress no thicker than a bound volume of 'The Oriental Herald,' stuffed with dried grass, or some such substance, a pillow composed of the same materials, somewhat bigger than the largest size of the most fashionable *bustle*, and a couple of stout German linen sheets; three straw-bottom chairs, two ewers, and a substantial deal table, with a neat, but inelegant looking-glass, was, to the best of my recollection, the entire stock of moveables in our superbly-furnished chamber.

I awoke about midnight, when, gracious heaven! who (except my heated companions, or those who have been in the Black Hole of Calcutta) can describe the moist condition of my German linen sheets, and Colombian appurtenances! Had I been ten nights exposed to the humidity which reigns near the Falls of Niagara, I question whether my skin would have acquired a greater degree of suavity; but, being one of Pharaoh's lean kine, I was less annoyed than my colleagues, though sufficiently out of humour to condemn close rooms in a warm country, and wish myself almost any where else. We all arose at dawn of day, and hurried into the *sala*, where we were forthwith furnished with coffee, which partially restored what good nature we possessed; but even this comparatively happy state did not deter us from execrating, with astonishing volubility, the total absence of comfort in this part of the New World.

There is absolutely nothing attractive in La Guayra. The town is built at the foot of a ridge of mountains, and is not unlike some parts of Gibraltar; there are two or three tolerably level streets, which are clumsily paved with curb stones; the houses are small and confined; there are two churches; several good coffee-houses, and numerous billiard-tables, which are always well attended. The natives amuse themselves, in the cool of the evening, round their respective dwellings, when the men smoke cigars in their shirt-sleeves, and the women talk nonsense, or fall a-yawning. The notes of a guitar are sometimes heard, but the performers require the animation and ability of their predecessors to produce any thing like harmony; others may be seen stretching their weary limbs on the beach, or standing in groups on the wooden wharf, where the merchants congregate to complain of 'hard times' and hot weather. The respectable part of the population is composed of English, Americans, German, and other foreigners. It is the sea-port of Carracas, and the exports are cocoa, coffee, cotton, hides, and indigo, which are brought from the neighbourhood of that city on the backs of mules.

Mecatia is an insignificant village, containing some forty or fifty houses and huts, about half a mile from La Guayra, and where most of the merchants reside, as it is decidedly preferable to the town itself, on account of its being considerably cooler. Notwithstanding La Guayra is excessively hot, yet there are few cases of fever there, although there is enough filth throughout the place to engender a pestilence. The market here is little superior to that of Cumana, but the frequent arrivals from Europe and St. Thomas' bring good supplies of seasonable articles; there is abundance of delicious fish, and plenty of claret wine, which, by the way, are the only reasonable commodities in the place, besides plantains and Indian corn.

Having gratified our curiosity with disjointed La Guayra, we hired mules for Carracas, after the rate of three dollars a-day, engaging to feed the animals during our sojourn in the city. I got a lusty one, and borrowed a pair of good English spurs from a German friend who was so kind as to accompany us. Our saddles and bridles were English, but none of the best, though quite good enough for the purpose. It is needless to relate how obstinate a mule is, especially if a native of Colombia, with an untutored Englishman on its back: the fact is, this batch was perfectly unmanageable, although we had no disposition to show off; and as they were determined that we should not guide them, we very wisely permitted them to guide us. The actual distance from La Guayra is said to be 12 English miles, and the journey is generally accomplished in two and a half to three hours.

The road to Carracas was cut by the Spaniards out of the vast mountain Avila, in a zig-zag direction, which is paved in some places. The

highest part of the mountain you ascend, on the way to Carracas, may be computed at about 5000 feet above the level of the ocean, at which particular spot is a *venta*, where refreshments are furnished, and where there is a very romantic drawbridge; the remainder of the road, from thence to Carracas, is in pretty good repair, and very pleasant. In a very short time after quitting this place, you behold Carracas, which is 3,490 feet above the level of the sea, almost immediately below you; the prospect is really grand in the extreme, and presents some of the most sublime and picturesque scenes I ever witnessed. It was now growing dark, and we humoured our mules into an amble, which soon brought us to a guard-house, where a trifling toll is exacted, which having satisfied, we proceeded to the city.

At every step in your approach towards the populated part of the city, you see signs of the lamentable devastation occasioned by the earthquake in 1812. We were conducted to a very comfortable hotel, with a large court-yard, good stabling, and a couple of handsome billiard-tables; but what we stood most in need of was a good bed, and in this particular we were certainly accommodated as well as we had any right to expect.

Early the next morning, we walked to the Plaza Mayor, which is the largest of several squares in Carracas, and where the market is kept. There was a good supply of poultry, fruit, and vegetables, and a small quantity of butchers' meat, as also some apples and peaches, (about the size of our largest apricots,) but neither of these possessed the European flavour; nevertheless they were very acceptable to us. The temperature of Carracas is delightful, though it is rather hot during the middle of the day; but the morning and evening are extremely pleasant and inviting. The fertility of the soil is remarkable, and with proper management the European fruits and esculents may be brought to great perfection; the cocoa is the finest in the world, and the neighbourhood of Carracas is famed for its indigoes.

We were much pleased with the appearance of the city, and we fancied that it bore a strong resemblance to Cadiz in many respects. The houses are substantially built, commodious, and comfortable, and the streets are well paved, and exceedingly clean. There are between 20,000 and 25,000 inhabitants of all colours, and numerous stores, and shops well stocked with every description of merchandize. The cathedral of Carracas is a noble edifice, but there is nothing remarkable in its interior construction. There are several churches, but the most admired is that of Alta Maria, which is certainly a very handsome building; there are two nunneries, and three monasteries, as well as either three or four hospitals. We saw several ladies in the Cadiz costume, and they used their fans and feet with as much adroitness as the belles of that famous city; but with, all due deference, I must confess, that I thought them much less engaging than the *Gaditanas*. The fair sex of Carracas inva-

riably make their purchases at night, assigning as a reason (which is plausible enough) that the heat of the day is too oppressive for them to venture out; but I suppose they often discover that some articles appear to more advantage in the shop than at the breakfast-table.

We attended two or three *tertulias*, where our eyes were blessed with a sight of some of the extraordinary characters whose names have so often figured in our public prints; but we were so uncharitable as to consider them rather ordinary men, though they may be most excellent soldiers. We were a little surprised to find the officers of a republic decorated with an 'Order,' which they highly venerated; indeed, we could plainly perceive that they were extremely proud of it, notwithstanding the 'Liberator' has been so profuse in the distribution of his green ribbons.

There is a newspaper published here in English and Spanish, and very ably conducted by an English gentlemen. The theatre, which is small, was closed for the want of performers. There are several Americans established in Carracas, who introduce from the States a 'pretty considerable' quantity of 'notions';* and there are English, French, and others, who have their *notions* too. Most of them are deeply interested in the fate of Colombia; and it is not surprising to see agents anxious to sell their merchandize, even at ruinous prices, where so much competition exists, which is occasioned by the immoderate quantities of goods poured into that market from all quarters. Very many, I am convinced, heartily wish that they had never known more about Colombia than a London lawyer's clerk!

The Colombians have acquired all the vices of their predecessors, without gaining a solitary virtue,—let the interested advocates of Colombia say what they may to the contrary! Ask whether the men 'in office' are not as passionately fond of gold as any follower of Columbus was known to be; and the reply will be, that the modern has discovered a more reputable manner of procuring it: There is no spirit of industry in the country, and a degree of ignorance prevails, even in the higher classes, which must strike every stranger with astonishment.

The children are taught to sip, *aguardiente*, under the erroneous idea that it will strengthen them; but this early use of brandy becomes habitual, and it is the common practice of the ladies to take it before breakfast. To illustrate this observation, I will mention an anecdote which amused me much at the time. I was in company with several Englishmen at a small inn in the neighbourhood of Puerto Cabello, when an Englishman, whom we afterwards learnt was a colonel in the Colombian service, alighted with his wife, a very pretty young damsel, about the age of 18. The landlord, a

* The American term for 'sundries.'

Frenchman, told us at breakfast, that he observed the Colonel, early in the morning, fidgetting about the chamber-door ; and his curiosity was in consequence excited. A servant appeared in a minute afterwards, with a *copita* of this exhilarating beverage, which the gallant soldier conveyed to his mistress. Our Colonel subsequently declared to the landlord that he was ashamed of his office, and that he was apprehensive that some of our party might have detected him in the fact, which would have conveyed no very favourable opinion of the *delicacy* of the Colombian ladies.

We had not time to visit the Silla de Carracas, which is ——— feet above the level of the ocean. Having taken a formal leave of all our acquaintances, we mounted our mules, much pleased with our visit, and returned to La Guayra. Our expenses here, independent of mule-hire, we reckoned at about three dollars per day, which we thought reasonable enough, considering the clean streets and invigorating climate.

STANZAS.

'Live and be happy,' did I hear thee say,
Live and be happy, lady, tell me how ;
Dost thou believe I'm happy when from thee ?
Why then this heavy heart, this clouded brow,
Feelings depressed, by nature gay and free ?

Well mayest thou fancy happiness so light,
For with thee all is beautiful and gay ;
Thy countenance (as the high seraph's) bright,
Dispels all gloom, creates a brilliant day,
And speaks the paradise within thy breast ;
Where innocence has empire—love is blest.

Yestere'en I marked the moon, as through the clouds
She slowly rose—she seemed in sorrow clad ;
I viewed the fleecy vapours, as the shrouds
She laid her woes in,—grief sees all things sad ;
They passed—she shone in spotless fields of ether,
Bright as when 'neath her beams we've strayed together.

Methought she augured thy quick return,
And with the thought a heart-relieving sigh
Arose ; ————— these sorrows leave
Fond recollections of the days gone by.
Say I can live, my love, and happy be,
For all is happiness if viewed with thee.

G. W.

FREE TRADE TO THE EAST.

To the Editors.

GENTLEMEN,—The liberal manner in which you have laid open your columns for the diffusion of every information relative to the present state of the trade with India and China, induces me to offer a few observations upon it whilst the pens of your more able correspondents are unemployed.

The rise and progress of that body of men to whom we gratuitously give the title of 'Honourable Company of Merchants trading to the East Indies,' is a very peculiar feature in the history of modern times. There is no great cause of wonder in the circumstance that necessitous governments, like necessitous men, will subject themselves to usury and extortion to obtain a temporary relief from their difficulties; that, for a loan of two millions of money, the Government of that day should legalize this monopoly by way of remuneration to the lenders; or that it made this Company, like an adopted child, an object of especial favour. But it may, and will, excite the astonishment of a future, if it do not of the present generation, that it should have had the address to obtain from all the descendants of its foster-parent, from all the different governments under which it has existed, an increasing share of tenderness and indulgence.

The constituted authorities have lately, it is well known, made some sweeping changes in our system of commerce; have set about their work with a vigour which made some of the old school shake their heads in fear that it would be overdone. The local and temporary interests of the few, have been sacrificed to the general and permanent welfare of the many, and the historian will dwell upon this period, and mark it as the commencement of a new era,—as a picture of Genius rising from its slumber, and dispersing, with its bright and beautiful rays, the mists of prejudice, and the darkness of ignorance. And, at the time that he acknowledges the existence of this Company, he must say to posterity, that whilst the Legislature were professing to act in every other branch of our commerce upon new and more enlightened principles, they permitted this to remain fettered with a monopoly more injurious than any which they had succeeded in destroying,—an inconsistency in these times, no less glaring than it would have been for Henry VIII. to have asked his Parliament for a grant of money to maintain the clergy, or for Oliver Cromwell to have granted a special license for the raising of a baronial castle, at the time he was seeking their general destruction.

The Company of which I speak has, it must be admitted, felt something of the influence of the new system; it has been compelled to answer questions which were never put to it before, and some few

of its superfluous privileges have been wisely given up, in accordance with the changing spirit of the times.

It is in the recollection of every one at all interested in this trade, that, of the privileges to which I allude, the first was the permission, by the 53 Geo. III., for British vessels of more than 350 tons burthen to trade to the East Indies, by special license, and within certain limits, all ingress to China direct from England being denied as heretofore.

The reasons of the Company for not having granted this permission to vessels of less than 350 tons burthen, were explained before a Committee of the House of Commons, and, with reference to them, the report of that Committee states—

‘The first proposition, for imposing a limitation as to tonnage, appears to have proceeded from the East India Company, and was understood to be founded upon a principle of guarding against the dangers to which vessels of less burthen than 400 tons would be exposed in a voyage to the East Indies, and also of providing for the security of the revenue, which might be affected by permitting importations in smaller vessels.’

The report goes on to state, that, on a previous inquiry into the state of this trade, Lord Melville had expressed himself not satisfied of the necessity of the restriction, and that the following additional reasons had been assigned :

‘That, by allowing ships of 400 tons to engage in the trade, sufficient facility would be afforded to the more respectable houses of business desirous of entering into an honourable commercial intercourse with India, to the exclusion of characters, not sufficiently responsible, disposed to engage in speculations of mere chance outward, and smuggling homewards. That the larger vessels would keep alive the impression amongst the Natives of the East, of our maritime strength, as superior to that of the Americans, who navigate very small vessels to and from the ports of the East.

‘That the Company’s tea trade would be injured by the illicit importation of tea, which might be expected to occur, if vessels unlimited in number and size, were permitted to come to the outports, and to resort to the numerous Eastern Islands, where tea from China might easily be procured.’

These arguments were specious enough to impose upon the Government of that day, (for I will not suppose it guilty of connivance with the Company,) and men silently allowed its simplicity to be duped by them. A space of nearly eight years elapsed before the Company were again questioned on the subject, and then, the affair having fallen into very different hands, this, the second of the privileges I have adverted to, being no longer tenable, was abandoned. It was not given up, however, without some little further display on the part of the Company of their fertility in *reasons*. When they were examined through one of their own Directors, (Mr. Charles Grant,) by the Committee whose report I have referred to, they appear to have lost sight entirely of the apprehension of smuggling,

as connected with the question of tonnage, for that restriction is then stated by Mr. Grant 'to have proceeded entirely from an apprehension, that if numerous small vessels were introduced into the trade of Eastern India, depredations might ensue upon the natives of the Eastern Islands.' 'In any other respect, (says Mr. Grant,) it is of no sort of consequence to the Company;' and this impression, he thinks, is that 'of the Court of Directors at large.' The limitation of tonnage, he again says, 'was from a humane political reason.'

One of these excuses must have created some amusement to our transatlantic friends; I mean as to the alleged necessity for maintaining the superiority of our maritime force in comparison with theirs. Wonderful knowledge of the character of the natives of India was here exhibited, a character in which the desire of gain is the most prominent feature, and a perfect indifference as to whether that gain comes to them in vessels of 800 or 100 tons burthen.

During the eight years which elapsed from the first opening of the trade, under the restrictions specified, to the period when the limitation of tonnage was taken off, the British merchant sat down quietly under the opprobrious jealousy of this incorporated body, for (and the fact is not generally known) the restriction applied *only* to ships clearing out from, or entering at, a British port, for or from a port to the eastward of the Cape of Good Hope. Vessels trading under the Circuitous Trade Act, or between Malta and Gibraltar and the East Indies, or under the act then recently passed for permitting British vessels from India to enter at a foreign port,—in a word, all vessels not proceeding from, or bound to, the United Kingdom, were exempt from the restriction of tonnage.

This fact alone illustrates the futility of the reason assigned for its continuance by Mr. Charles Grant; for danger arising in the Eastern Islands was to be expected as much from vessels trading with the Mediterranean, or with any foreign port in Europe, as from those which might proceed direct from England.

The American thanked us for protecting him rather than our own countrymen. He carried on his trade free and unshackled: and we never heard that he created any disturbance with 'the natives of the Eastern Islands,' and he was quite as much respected in his schooner of 120 tons, as Don Company in his 'floating hotel' of 1000 tons.

The character of the people of India is such, that we cannot be surprised that they were flattered into subjection by a power which, having artfully surrounded itself at all times with the glitter of pageantry and pomp, having conducted its affairs on a scale of magnificence, has imposed even upon the minds of Englishmen, and diverted their attention as well from the ruinous profusion by which that magnificence was supported, as from the many important advantages of which it unjustly deprived them.

Liverpool Mercury, November 22, 1827.

ZARES.

EMIGRATION AND THE EAST INDIA COMPANY'S MONOPOLY.

THE third Report of the Committee on Emigration, which has just been published, contains a mass of highly important information respecting the distressed situation of our labouring population; the picture is indeed gloomy, but well calculated to arouse a strong feeling of interest on their behalf; and whatever difference of opinion may exist as to the mode in which relief should be administered, it must be a source of satisfaction to all who are interested in the welfare of this important class of the community, to reflect that the attention of the Legislature and the country will now be increasingly drawn to the consideration of their case.

The immediate cause of the existing distress is doubtless want of employment. Our population far exceeds our present means of employing them; it is obvious, therefore, that relief must be obtained in one of two ways,—either the number of the labourers must be diminished, or an increase of employment found for them.

With respect to lessening their numbers by emigration, it must, if pursued on a scale sufficiently extensive to afford any sensible relief, be attended with an expense which, in the present financial situation of this country, would render the measure utterly unjustifiable; such a proposal ought not, therefore, to be tolerated for a single moment, unless it can be satisfactorily shown that it is not possible, by a legitimate extension of our commerce, to employ them at home. So far, however, is this from being the case, that we have most satisfactory evidence to the contrary; and it is no less astonishing than true, that while we are suffering under the pressure of an almost overwhelming debt, while our labourers are enduring the greatest privations, and pauperism, like a canker, is undermining the prosperity of the State, this nation is, nevertheless, for the sake of a few individuals, who hold a monopoly which is scarcely of any service to them, denied an intercourse with India and China; two countries which contain nearly half the population of the universe, and whose situation and circumstances are such as to warrant the most sanguine anticipations of the result of a free commercial intercourse with them, both as a source of wealth to the country, and almost unlimited employment to our poor. Our connection with India already affords most satisfactory evidence that such would be the case,—the amount of our exports to India and China, when the trade was thrown open in 1814, was 1,696,400*l.*; in 1826, they increased to 4,877,133*l.* In cotton cloths the increase has been truly astonishing,—the exports of this article, which in 1814 was but

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little more than 800,000 yards, amounted in 1826 to upwards of 26,000,000 yards. If such has been the result of throwing open this trade, which was the worst part of the Company's monopoly; if such an increase has taken place, notwithstanding the chief articles of their produce have been subject to most oppressive discriminating duties in this market, there cannot be a reasonable doubt entertained that if these restrictions were altogether removed, and (what is of still greater moment) if the trade of China, a country containing the largest associated population in the universe, were also freely opened to British enterprise and skill—that a growing commerce with these boundless and populous territories would afford ample employment to our population. At all events, it is utterly unwarrantable to have recourse to such an expensive expedient as emigration, until a fair trial has been made of an unrestricted intercourse with these countries.

If, however, the condition of our poor be such as to warrant the expenditure of many millions for their relief, there surely can be no doubt but that it would be infinitely better for Government at once to purchase the East India Company's Charter, which could readily be done by giving the East India Stockholders a moderate advance on their dividends. We should thereby derive a certain positive national benefit of incalculable amount; whereas the benefit to be derived from the other plan is at the best uncertain and altogether problematical.

Whatever determination may, however, be come to respecting the proposal of at once purchasing the East India Company's Charter, there can surely be but one opinion as to the policy of preventing its renewal; and although no definitive arrangement will take place respecting this till the year 1833, yet there is, even now, no time to be lost. Perhaps at the present moment (and certainly it will be the case ere long) the work of intrigue and negotiation may be going on by the Company. In order to counteract this, and secure the great object in view, there is no step so likely to prove effectual as the sending up a deputation from the principal commercial and manufacturing towns through the kingdom. Let this course be taken, and there can be no doubt of a successful result; but if these classes do not soon express themselves very fully and decidedly—if they slumber on their posts about this all-important national measure, they will suddenly find themselves again subject, for a term of twenty years, to all the contemptible, mischievous, and baneful absurdities of this odious Monopoly.—*Bristol Journal*.

INTRODUCTION OF TRIAL BY JURY, AND ABOLITION OF SLAVERY,
BY SIR ALEXANDER JOHNSTON, IN CEYLON.

WE have on more than one occasion adverted, with pride and pleasure, to the labours of the distinguished individual named above, —labours which clearly establish his claim to the title of patriot, as well as philanthropist, and will do honour to his memory as long as any records of his acts exist. We shall shortly have to notice his measures in favour of Colonization in Ceylon, in order to show its safety and practicability in Hindoostan. But we embrace the present occasion of introducing to our readers a letter of this distinguished Judge, and we must add, statesman, addressed originally to Mr. Wynn, President of the Board of Control, and which no doubt led to his deciding on making the experiment of jury-trial in India. A copy of this letter was sent to the learned Brahmin, Ram Mohun Roy, in Bengal, by whose permission it was published in the 'CALCUTTA CHRONICLE,' the Journal lately suppressed by the tyrannical Government of India. This forms an additional reason, independently of its intrinsic interest and merits, for our transferring it to the pages of the 'ORIENTAL HERALD,' where it will remain among the other permanent records of Indian affairs, beyond the power of all the Governments of India united, to mutilate by censorship, to garble, or to suppress. The letter of Sir Alexander Johnston to Mr. Wynn is as follows :

'DEAR SIR,—I have the pleasure, at your request, to give you an account of the plan I adopted while Chief Justice and first member of his Majesty's Council on Ceylon, for introducing trial by jury into that island, for extending the right of sitting upon juries to every half-caste Native, as well as to every other native of the country, to whatever caste or religious persuasion he might belong. I shall explain to you the reasons which induced me to propose this plan, the mode in which it was carried into effect, and the consequences with which its adoption has been attended. The complaints against the former system for administering justice in Ceylon, were, that it was dilatory, expensive, and unpopular. The defects of that system arose from the little value which the Natives of the country attached to a character for veracity ; from the total want of interest which they manifested for a system in the administration of which they themselves had no share ; from the difficulty which European Judges, who were not only Judges of law, but also Judges of fact, experienced in ascertaining the degree of credit which they ought to give to Native testimony ; and finally, from the delay in the proceedings of the Court, which were productive of great inconvenience to the Government which defrayed their costs. The obvious way of remedying these evils in the system of administering justice, was, first

to give the Natives a direct interest in that system, by imparting to them a considerable share in its administration; secondly, to give them a proper value for a character for veracity, by making such a character the condition upon which they were to look for respect from their countrymen, and that from which they were to hope for promotion in the service of their Government; thirdly, to make the Natives themselves, who, from their knowledge of their countrymen, can decide at once upon the degree of credit which ought to be given to Native testimony, judges of fact, and thereby shorten the duration of trials, relieve witnesses from a protracted attendance on the Courts, and materially diminish the expense of the Government.

‘The introduction of trial by jury into Ceylon, and the extension of the right of sitting upon juries to every Native of the island, under certain modifications, seemed to me the most advisable method of attaining these objects. Having consulted the chief priests of the Budhoo religion, in as far as the Cingalese in the southern part of the island, and the Brahmins of Remissuram Madura and Jufna, in as far as the Hindoos of the northern part of the island were concerned; I submitted my plan for the introduction of trial by jury into Ceylon to the Governor and Council of that island. Sir T. Maitland, the then Governor of the island, and other members of the Council, thinking the adoption of my plan an object of great importance to the prosperity of the island, and fearing lest objections might be urged against it in England from the novelty of the measure,—no such rights as those which I proposed to grant to the Natives of Ceylon ever having been granted to any Native of India, —sent me officially, as first member of the Council to England, with full authority to urge, in the strongest manner, the adoption of the measure, under such modifications as his Majesty’s ministers might, on my representations, deem expedient. After the question had been maturely considered in England, a Charter passed the great Seal, extending the right of sitting upon juries in criminal cases, to every Native of Ceylon, in the manner in which I had proposed; and on my return to Ceylon with this Charter in November 1811, its provisions were immediately carried into effect by me.

‘In order to enable you to form some idea of the manner in which the jury-trial is introduced amongst the Natives and half-castes of Ceylon, I shall explain to you first what qualifies a Native of Ceylon to be a juryman. 2. How the jurymen are summoned at each sessions. 3. How they are chosen at each trial. 4. How they receive the evidence, and deliver their verdict. Every Native of Ceylon, provided he be a freeman, has attained the age of twenty-one, and is a permanent resident in the island, is qualified to sit on juries. The fiscal or sheriff of the Province, as soon as a criminal session is fixed for his Province, summonses a considerable number

of jurymen of each caste, taking particular care that no jurymen is summoned out of his turn, or so as to interfere with any agricultural or manufacturing pursuits in which he may be occupied, or with any religious ceremony at which his caste may require his attendance. On the first day of the session the names of all the jurymen who are summoned are called over, and the jurymen, as well as all the Magistrates and Police-officers, attend in Court, and hear the charge delivered by the Judges. The prisoners are then arraigned; every prisoner has a right to be tried by thirteen jurymen of his own caste, unless some reason why the prisoner should not be tried by jurymen of his own caste, can be urged to the satisfaction of the Court by the advocate-fiscal, who on Ceylon holds an office very nearly similar to that held in Scotland by the Lord Advocate, or unless the prisoner himself, from believing people of his own caste to be prejudiced against him, should apply to be tried either by thirteen jurymen of another caste, or by a jury composed of half-caste, or European. As soon as is decided of what caste the jury is to be composed, the register of the Court puts into an urn, which stands in a conspicuous part of the Court, a very considerable number of the names of jurymen of that out of which the jury is to be formed; he continues to draw the names out of the urn, the prisoner having a right to object to five peremptorily, and to any number for cause, until he has drawn the names of thirteen jurymen who have not been objected to. These thirteen jurymen are then sworn according to the form of their respective religions, to decide upon the case according to the evidence, and without partiality.

“ The advocate-fiscal then opens the case for the prosecution (through an interpreter, if necessary) to the Judge, and proceeds to call all the witnesses for the prosecution, whose evidence is taken down (through an interpreter, if necessary) in hearing of the jury, by the Judge, the jury having a right to examine, and the prisoner to cross-examine any of the witnesses; when the case for the prosecution is closed, the prisoner states what he has to urge in his defence, and calls his witnesses, the jury having a right to examine, and the prosecutor to cross-examine them, their evidence being taken down by the Judge; the prosecutor is seldom or ever, except in very particular cases, allowed to reply, or call any witnesses in reply. The case for the prosecution and for the prisoner being closed, the Judge (through an interpreter, when necessary) recapitulates the evidence to the jury from his notes, adding such observations from himself as may occur to him on the occasion; the jury, after deliberating upon the case, either in the jury-box, or if they wish to retire, in a room close to the Court, deliver their verdict through their foreman in open Court, that verdict being the opinion of the majority of them; the most scrupulous care being taken that the jury never separate nor communicate with any person whatever from the moment they are sworn, till their verdict, having been de-

livered as aforesaid, has been publicly recorded by the register. The number of Native jurymen of every caste on Ceylon is so great, and a knowledge before hand what persons are to compose a jury in any particular case, is so uncertain, that it is almost impossible for any person, whatever may be his influence in the country, either to bias or to corrupt a jury. The number of jurymen that are returned by the fiscal or sheriff to serve at each session, the impartial manner in which the names of the jurymen are drawn, the right which the prisoner and prosecutor may exercise of objecting to each jurymen as his name is drawn, the strictness which is observed by the Court in preventing all communication between the jurymen when they are once sworn, and every other person till they have delivered their verdict, give great weight to their decision. The Native jurymen being now judges of fact, and the European Judges only judges of law, one European Judge only is now necessary, where formerly, when they were judges both of law and fact, two, or sometimes three, were necessary. The Native jurymen, from knowing the different degrees of weight which may safely be given to the testimony of their countrymen, decide upon questions of fact, with so much more promptitude than Europeans could do, that since the introduction of trial by jury, no trial lasts above a day, and no session above a week or ten days at furthest; whereas, before the introduction of trial by jury, a single trial used sometimes to last six weeks or two months, and a single session not unfrequently for three months. All the Natives who attend the Courts as jurymen obtain so much information, during their attendance, relative to the modes of proceeding and the rules of evidence, that, since the establishment of jury-trial, Government have been enabled to find amongst the half-castes and Native jurymen, some of the most efficient and respectable Native Magistrates in the country, who, under the control of the Supreme Court, at little or no expense to Government, administer justice in inferior offences to the Native inhabitants.

‘The introduction of the trial by Native juries, at the same time that it has increased the efficiency and dispatch of the Courts, and has relieved both prisoners and witnesses from the hardships which they incurred from the protracted delay of the criminal sessions, has, independent of the savings it enabled the Ceylon Government to make immediately on its introduction, since afforded that Government an opportunity of carrying into effect, in the judicial department of the island, a plan for a permanent saving of ten thousand pounds a year, as appears by my report, quoted in page 8 of the printed collection of papers herewith sent. No man whose character for honesty or veracity is impeached can be enrolled on the list of jurymen; the circumstance of a man’s name being upon the jury-roll is a proof of his being a man of unexceptionable character, and is that to which he appeals in case his character be attacked in a court of justice, or in case he solicits his Government for promotion in their service;

as the rolls of jurymen are revised by the Supreme Court at every session, they operate as a most powerful engine in making the people of the country more attentive than they used to be in their adherence to truth; the right of sitting upon juries has given the Natives of Ceylon a value for character, which they never felt before, and has raised, in a very remarkable manner, the standard of their moral feelings. All the Natives of Ceylon who are enrolled as jurymen, conceive themselves to be as much a part, as the European Judges themselves are, of the Government of their country, and therefore feel, since they have possessed the right of sitting upon juries, an interest which they never felt before in upholding the British Government of Ceylon.

‘The beneficial consequence of this feeling is strongly exemplified in the difference between the conduct which the Native inhabitants of the British settlements on Ceylon observed in the Kandian war of 1803, and that which they observed in the Kandian war of 1816. In the war between the British and Kandian Government in 1803, which was before the introduction of trial by jury, the Native inhabitants of the British settlements were, for the most part, in a state of rebellion: in the war between the same Governments in 1816, which was five years after the introduction of trial by jury, the inhabitants of the British settlements, so far from showing the smallest symptom of dissatisfaction, took, during the very heat of the war, the opportunity of my return to England, to express their gratitude through me to the British Government, for the valuable right of sitting upon the juries, which had been conferred upon them by his present Majesty, as appears by the addresses contained from page 6, to page 50, in the printed papers herewith sent. The charge delivered by my successor, the present Chief Justice of the island, in 1820, contains the ‘strongest additional testimony which could be afforded of the beneficial effects which were experienced by the British Government from the introduction of trial by jury, amongst the Natives of the island; (see that charge in pages 289 and 290 of vol. x. of the ‘*Asiatic Journal*.’) As every Native jurymen, wherever his caste or religion may be, or in whatever part of the country he may reside, appears before the Supreme Court once at least every two years, and as the Judge who presides delivers a charge at the opening of each session to all the jurymen who are in attendance on the Court, a useful opportunity is afforded to the Natives of the country by the introduction of trial by jury, not only of participating themselves, in the administration of justice, but also of hearing any observations which the Judges, in delivering their charge, may think proper to make to them with respect to any subject which is connected, either with the administration of justice, or with the state of society or morals in any part of the country.

‘The difference between the conduct which was observed by all the proprietors of slaves on Ceylon in 1806, which was before the

introduction of trial by jury, and that which was observed by them in 1816, which was five years after the introduction of trial by jury, is a strong proof of the change which may be brought about in public opinion by the Judges availing themselves of the opportunity which their charging the jury on the first day of session affords them of circulating amongst the Natives of the country, such opinions as may promote the welfare of any particular class of society. As the right of every proprietor of slaves to continue to hold slaves on Ceylon, was guaranteed to him by the capitulation under which the Dutch possessions had been surrendered to the British arms in 1794, the British Government of Ceylon conceived, that however desirable the measure might be, they had not a right to abolish slavery on Ceylon by any legislative act: a proposition was, however, made on the part of Government by me, to the proprietors of the slaves in 1806, before trial by jury was introduced, urging them to adopt some plan of their own accord for the gradual abolition of slavery; this proposition, they at that time unanimously rejected; the right of sitting upon juries was granted to the inhabitants of Ceylon in 1811.

‘From that period I availed myself of the opportunities which were afforded to me, when I delivered my charge at the commencement of each session to the jurymen, most of whom were considerable proprietors of slaves, of informing them of what was doing in England upon the subject of the abolition of slavery, and of pointing out to them the difficulties which they themselves must frequently experience, in executing with impartiality their duties as jurymen, in all cases in which slaves were concerned; a change of opinion upon the subject of slavery was gradually perceptible amongst them, and in the year 1816, the proprietors of slaves of all castes and religious persuasions in Ceylon, sent me their unanimous resolutions to be publicly recorded in Court, declaring free, all children born of their slaves of the 12th of August 1816, which, in the course of a very few years, must put an end to the state of slavery which had subsisted on Ceylon for more than three centuries.’

SERVICES OF KING'S AND COMPANY'S TROOPS AT THE SIEGE OF BHURTPORE.

A bona fide Statement.

[Communicated from India for publication in the Oriental Herald.]

CONSIDERABLE misconception having gone abroad concerning his Majesty's 14th regiment having rendered aid to the column of attack commanded by Lieutenant-Colonel John Delamain, whilst making an assault upon the bastion (it could not be called a breach) to the left of the Jhungeenah gate of Bhurtpore, it is the duty of an impartial observer to correct such misrepresentations as may have obtained to the prejudice of that completely successful, gallant, and distinguished column.

In order to give the reader a clear and comprehensive understanding of the service performed by Lieutenant-Colonel Delamain's column, and of the conduct of the officers and men who led that attack, it is necessary to refer to the arrangements which were contemplated for the assault, several days previous to its having taken place.

His Excellency the Commander-in-Chief had wisely determined to have two strong columns of attack upon the two practicable breaches: the right to be under the direction of Major-General T. Reynell, C. B.; the left under the direction of Major-General Jasper Nicolls, C. B., with several other smaller columns of demonstration to flank those two principal columns, and to divert the attention and the fire of the enemy from them, as much as possible, during the assault.

The party to have flanked Major-General Reynell's column on the right by the first intended arrangement, was to have been commanded, at the suggestion of the Major-General, by Captain (now Major) J. Hunter, of the 58th regiment of Native infantry, and to have consisted of the left grenadier company of the 58th (his own), the light company of the 58th, Lieutenant Mee, 100 men of the Goorkah regiment, Lieutenant Kirke, and a European company not then named. This was in agitation from the 15th in the evening, until the evening of the 17th previous to the storm; but Captain Hunter having in confidence communicated the arrangement likely to take place in regard to himself, to the two gallant young officers of artillery, Lieutenants Garrett and Wilson, in charge of the right extreme batteries, they played their guns so successfully on the 17th upon the curtain where the assault afterwards took place, that his Excellency the Commander-in-Chief, on visiting the batteries in the afternoon of the 17th, thought it advisable to strengthen the above intended party for Hunter's command to a more formidable force. Consequently, five companies of the 58th regiment

(the left wing) and a company (No. 1.) of the European regiment, on duty all night of the 17th, under the command of Captain J. Hunter, in the right extreme trench, was on the morning of the 18th augmented by the arrival of the other five companies (the right wing) of the 58th regiment, under the command of Lieutenant-Colonel John Delamain, 100 of the Goorkah regiment, under Lieutenant Kirke, and another company (No. 2.) of the European regiment, under Lieutenants Warren and Candy, to a more respectable force in numbers. This detachment, or column of demonstration as it was called, was now to be commanded by Lieutenant-Colonel J. Delamain; and consisted in the order of attack of the two companies, Nos. 1, 2, of the 1st European regiment, commanded by Captain W. Davison; the 58th regiment of Native infantry commanded by Captain (now Major) J. Hunter, 100 men of the Goorkah regiment, commanded by Lieutenant Kirke, and the light company of the 58th regiment under Lieutenant Mee, to flank the column and ladders; the whole under the direction of Lieutenant-Colonel J. Delamain.

The Commander-in-Chief and General Reynell appeared in the right trench about seven o'clock of the morning of the 18th of January, and having instructed Lieutenant-Colonel Delamain in the manner by which he wished him to conduct the attack, viz. 'by filing out round a pukkah (brick) well; at the right extreme of the trench, and proceeding by files, under some indifferent cover, of old demolished outworks of the enemy near the ditch, there to form, at the edge of the ditch; in the manner he should think the most advisable for the attack, under such circumstances of opposition as he might there find;' adding, that 'it could hardly be expected he would succeed in getting up at the place he was to try, but to do all that he could to aid the exertions of the main column, by distracting and drawing off the fire of the enemy from them, and by eventually assisting at the main breach. Should any unforeseen circumstances make it necessary for him to move upon that, to march out in files at the general signal of attack, which would be the blowing up of the great mine, at General Reynell's breach.'

His Excellency and General Reynell then went away, when Col. Delamain turned to Captain Hunter, who had been present at this conference, and observed to him, 'Well, Jack, the honour of the command of the column devolves now upon me; and the command of the "Beshashaws," (the Native name of the 58th regiment,*) upon you; take care of them, my boy.' 'No fear of that, my hearty,' replied the Captain; 'I'll take care of them, I warrant you; and they of me.' After this, he walked immediately away to the left of the regiment, and brought up his own company, the left gre-

* Also a holy Hindoo temple at Benares, after which the corps is called. It was raised at Benares in 1815.

nadiers, to the right and leading point of the corps, observing to the officers and men of the regiment, as he placed it upon the right, both in the English and Hindoostanee languages, that as he was the oldest European officer now present with the corps, and as he had also had the honour to be present at the raising of it, it was his business to lead, and to lead at the head of his own company ; as it was likewise the business of the Subadar Major attached to it, to lead ; as he, too, was a 'pukkahjewan,'* and the oldest Native officer present, to show the boys the way.

This arrangement was effected under the identical remarks which are here faithfully rendered, when Colonel Delamain, having issued his orders to the rest of his officers, returned to Captain Hunter, and told him, that as soon as the leading files of the column should reach the point of formation into sections, or subdivisions, as should appear to be most advisable for the attack, he wished him to step forward and review the ditch, and the difficulties there, if any there should be ; and to give Captain Davison the benefit of his experience and advice how to act. Captain Hunter promptly asked, if he wished him to lead the attack with the Europeans ? Colonel Delamain replied, 'No ! only to step forward, and to tell Davison how to act, having a better experience of the place by constant observance of it daily, than Davison could have, who had only just arrived in camp the day before ; but to head his own men, the "Beshashaws," at the scratch, for they had confidence in him, and would do all the better for it.'

The column moved out by files at the general signal—the great mine was blown up, and when forming into sections at the brink of the ditch, Captain Hunter went forward, as he had been desired, and observing a deep cunette of water in the centre of the ditch, told Captain Davison to pass it by files to the right, and push on to the attack. Captain Davison inquired, 'where is the breach ?' Captain Hunter pointed with his sword to some shot-holes and battering in the curtain-wall, at the angle of the bastion, and replied, 'that is the place they call the breach, and is the place we must now try, my boy ; push on, push on.' 'Good God !' re-echoed Davison, 'is that the place ?' and immediately cheering his men to close up and follow him, at it he went with vigour. Captain Hunter stepped briskly to Colonel Delamain, (who was near the colours of the 58th regiment, and closing the men as quickly as possible,) told him there was some water in the ditch in front, but that they should be able to file to the right of it, and instantly rejoined his grenadiers, and cheered to the Europeans, urging them to push on, as he was along with them, &c. ; at which moment, however, he was shot through the right thigh-bone at the brink of the ditch ; and after hopping several steps on, literally, the left leg, he

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• A youthful old fellow.

sat down and called for a doolie,* to carry him away before the swelling of the limb ensued, but strenuously refused to allow any of the soldiers to take him away, though they offered in dozens to assist him; they were as often told to go on, and take the place; that they could not be spared to attend upon him; and there he sat, under a dreadful enfilading fire from the ramparts, cheering the assailants repeatedly, until the place was entirely carried. Colonel Delamain, when passing close by him, asked him if he could be of any service to him? when he replied, 'No, my good fellow, don't think of me, I shall do very well; cheer up the men; and take the fort; they *must* do it, they are up already; push on, and keep them together.'

At this moment Captain Davison was up, and engaged hand to hand on the brink of the bastion. A spear having struck him on the forehead, and passed through the skin of his left breast under his arm, he grasped it, and the enemy not letting it go, a struggle and clashing of swords between the parties ensued, and several of Davison's men were killed in their gallant exertions to save their brave and distinguished officer, whose situation and danger was seen and felt throughout the column, when a generous and intrepid rush was made upon the feet, hands, knees, and even shoulders of the men, to get forwards to a place almost impracticable; in a moment, a mass of Europeans and sepoys appeared upon the bastion by his side, where, in sixteen minutes from the blast of the great mine, the shout of victory proclaimed our success, and the proud colours of the gallant 58th waved triumphantly upon the walls of the hitherto impregnable, but now subdued fortress of Bhurtpore! The bugle of that corps instantly sounded the advance, the first which was blown upon the walls that day, if their colours were not also the first that were up; it is a doubtful point if they were not. His Majesty's brave 14th had not in any part whatever reached this bastion at that time; and the first party of that gallant corps, which came on to aid the exertions of Delamain's column, (after it had got completely in,) were blown into the air, by a mine sprung as they advanced over it, to the left of where Lieutenant-Colonel Delamain's column had effected its entrance.

After Delamain's column had got fairly in, the enemy made a rush to get out at the Jhungeena gateway; but it was fastened, and they turned in despair and fought with desperation. The number of their slain, which was counted the next day, between the bastion carried by Delamain and the gateway they rushed in at, exceeded the whole numerical strength of the assailant's column by one half; and it is a glorious fact, that although this column no where appears to be mentioned in the Government despatches, in terms adequate to its deserts, it was in no wise excelled in either valour, exertion, or success, by any of the troops that were employed

* A sort of litter, used to convey the wounded.

upon that day. The best proof that can be given of the credit which they deserve, is the indisputable fact, that the five leading officers of the four first companies, viz., Captain William Davison, Lieutenants Warren and Candy of the two European companies, Captain J. Hunter, and Lieutenant J. Lumsdaine of the 58th regiment's grenadiers, were all severely wounded, in approaching, ascending, and carrying the bastion, (not breach, for it could not be called one,) and were all rendered unable to proceed; whilst the gallant men of these distinguished companies went on fighting without their officers, evincing the highest spirit of discipline, and affording an example and a theme for their own praise as long as the recollection of the fall of Bhurtpore shall be associated with the proud feelings of the triumphs and trophies of their corps and of their country.

Colonel Delamain, when he discovered this amidst the fire, smoke, and dust of the strife, cheered the bravery and exemplary conduct of the men, who were thus fighting without their officers, and ordered Captain Black of the 58th regiment to take the command of the two companies of the European regiment for the rest of the day; all their own officers, and both those of the grenadiers of the 58th regiment being down, covered with wounds. Distinguished, however, as this gallant column of men and officers was in the fight, they are not awarded equal praise with the other troops on the face of the despatches of the day, owing, doubtless, to the inadvertence of those whose immediate business it was to report its conduct and effectual services. This is the more a pity, inasmuch as this column was composed entirely of Company's troops, in the proportion of about twelve sepoy to one European soldier; and because no opportunity should be lost for praising the sepoys, as some amends for the calumnies they have suffered from what has been equally styled 'mutiny' and 'murder' at Barrackpore, and 'disaffection' elsewhere,—a feeling which never occurs amongst those sober and submissive, yet high-spirited men, where their officers set them proper examples, and behave with becoming kindness. In the performance of the duty above alluded to, good will, good feeling, and good fighting, crowned the whole with glory. The Bengal sepoys never behave ill when their officers behave well.

Captain William Davison was wounded on the forehead and left breast, by a spear, severely. Lieutenant Warren, in the face, neck, and both hands, by a sword, severely. Lieutenant Candy through the thigh-bone, by a ball, very severely, of which he died a few days afterwards. Major J. Hunter through the right thigh-bone also, by a musket-ball, very severely, from which he will always be a cripple. He refused amputation, and saved his limb only by the force of a good constitution and excellent spirits. Lieutenant J. Lumsdaine,

by a musket-ball, in the foot, very severely. Lieutenant Turner, by a ball, in the end of his finger, slightly. Lieutenant Kirke, slightly also.

There were fourteen officers with this column, no less than seven of whom were wounded ; and the loss of men was proportionately great.

DETERMINATION OF THE DIMENSIONS OF THE ANCIENT EGYPTIAN CUBIT.

IN the Academy of Sciences of Paris, of the 12th of November, a communication was made, by M. Gerard, of the several models of the ancient Egyptian cubit, most recently found.

The discovery of the first of these standards dates from 1799. It was made by M. Gerard, in the ancient millimetre, described by Strabo, of the isle of Elephantina. The whole measure is divided into 28 fingers and 7 palms ; its total length is 527 millimetres. A second standard was found in 1822, in the ruins of Memphis, by M. Drovetti, the French Consul-General in Egypt. This cubit also is divided into 7 palms. Its length, measured with the greatest accuracy by Messrs. Plana and Bidone, is 523, 53-100th millimetres. A third example was found also at Memphis, by M. Drovetti ; it is deposited in the new Royal Egyptian Museum at Paris, about to be opened to the public. This likewise is a 7 division cubit, the absolute length of which is 525 millimetres. Lastly, a fourth specimen, destined to be placed in the Museum of Florence, has been discovered by M. Anastasy, the Swedish Consul in Egypt. Its length is $526\frac{1}{2}$ millimetres ; it is divided, like all those before-mentioned, into 7 palms, or 28 fingers. From these models, the true length of the ancient Egyptian cubit may be considered as irrevocably fixed at between 524 and 527 millimetres. This dimension serves to explain, in the clearest manner, a passage of Pliny, on the length of a side of the base of the Great Pyramid, and to establish the true length of the stadium, (of 700 to the degree,) known among geographers by the name of the Stadium of Eratosthenes. This discovery of the true length of the stadium of Alexandria, affords the means, so long a desideratum, of comparing the length of the terrestrial degree, measured by Eratosthenes, with that given by the figure of the earth, as it is now known. From this it results, that the length obtained by the great geometrician, whose labours excited the admiration of antiquity, proves to be a mean between the length of the degree taken at 45 degrees, and that found by Bouguer under the equator, and exactly in the proportion required by the position of the places situated between Alexandria and Syene, the extreme points of the arc which Eratosthenes measured.

LETTER OF GENERAL NEWS FROM MADRAS.

To the Editor of the Oriental Herald.

SIR,

Madras, July 12, 1827.

I HAVE only time to write you a hurried letter, and the principal news I have to communicate is the death of Sir Thomas Munro, Bart., K. C. B., our worthy Governor, who fell a victim to that scourge of India, the *cholera morbus*. He was on a tour in the interior, and on the route between Gooty and Bellary, (in the Ceded Districts,) at a place named Putteecondah, he was seized soon after breakfast, on the 6th, and died that evening. I understand he had marched ten or twelve miles that morning, partly on horseback and partly in his palanquin.

I believe no individual ever served the Honourable Company with more zeal and fidelity than Sir Thomas Munro. He had spent about fifty years in the service, and was on the eve of returning to his native land. His fortune, the whole of which he has realized in India, amounts, it is said, to about fourteen lacs of rupees (140,000*l.* sterling.) His Majesty's ship *Tamar*, at present in these roads, was to have conveyed Sir Thomas to Europe. She now bears the melancholy tidings of his death.

Like all men in public situations, our late Governor had his admirers, and also not a few who deprecated every act of his Government. Having been bred a military man, those of the Civil Service readily imagined him partial to that branch, and certainly he did on many occasions show his partiality to the red coat. It is a fact universally allowed, that the Native army is sadly deficient of European officers; and it is as well known that most positive orders have again and again been received from the august Court in Leadenhall-street, forbidding the appointment of military officers to civil situations, but our late Governor cared very little about such orders, as I could easily show you in many instances: one or two of the most recent I will mention.

When the situation of Resident in Travancore became vacant a few months ago, many old Civil servants applied for it; but it was given to Colonel Morrison of the Artillery, who had, ever since the establishment of the Commissariat, held the appointment of Commissary-General. There are many tales told as to the motives which led to this appointment; one of them was making the situation of Commissary-General become vacant; and it is now filled by an officer who has long been under the wing of Sir Thomas, but a man of considerable talent. And on the return to Europe lately of the Hon. A. H. Cole, the Resident in Mysore, his situation was filled by Mr. J. A. Cassmajor, who had for many years been Assistant-Resident, and, of course, well qualified. The situation of Assistant

than became vacant ; and as it had been held by a Civil servant, it was naturally expected that it would be bestowed on one again : when, lo ! forth came the mandate appointing Captain Watson of the 4th regiment N. I., as Assistant-Resident in Mysore, to the great disappointment of many Civil servants. Captain Watson had, however, long been a useful inmate in the establishment of Sir Thomas Munro ; managed all the interior affairs at the Government-house ; was some time Paymaster at the Presidency ; and, of course, had a right to pass over the head of any Civilian.

But the most extraordinary appointment that the late Governor made was in December last, when he nominated a Captain Norfey to be Sheriff of Madras ; Captain Norfey had, I learn, been some time in the Honourable Company's Naval service, had been unfortunate in losing a ship, or some such thing, and was sent out to fill a situation in the Master Attendant's Department here ; he arrived in May 1826, but found the appointment here not so good as he expected, and went on to Calcutta, hoping to get something better there ; in this, however, he failed, and, returning to this place, took up his situation on the bench, and, being acquainted with nautical affairs, several houses of agency employed him to survey ships on account of the insurance offices. I am sure you will not be astonished when I tell you how very much surprised we all were here, when this sea Captain was appointed Sheriff. He has, of course, much to learn, to fit him for his new station ; but I understand the Captain brought out strong recommendations to Sir George Walker, Commander-in-Chief and second in Council here, and this powerful interest got him made a Sheriff, and his son, a youth, Deputy Sheriff, a Mr. Baillie being removed from the situation for that purpose ; so much for Sir Thomas Munro's appointments.

The army is now without employment, and, like other idlers, some of the officers are now and then getting into mischief, and more than the usual number of courts-martial have recently taken place ; but as the Madras Editors are forbidden to publish them, you seldom see them, as you do those of the other Presidencies, which are always published in the newspapers. In a few instances, the officers have been severely dealt with, but in most cases a reprimand or suspension has been the punishment awarded ; and, in many of the late Courts, his Excellency the Commander-in-Chief has read the members severe lectures, he being, apparently, a perfect adept in military law, which he seems to think the officers of the Madras army deficient in.

The very unusual circumstance of a Native soldier murdering his officer, has been exhibited to us here in several melancholy instances. Captain Davies, an officer of the Bombay army, but commanding a regiment of Native cavalry in the Nizam's service, was shot at by some, and cut to pieces by others of his men, in the beginning of May last ; and on the 19th of the same month, Major

E. Wallace, of the 2d regiment of Madras light cavalry, was shot on the parade of that regiment, by a trooper; both of these officers died instantly. Captain Woodhouse, of the 20th regiment Madras Native infantry, at Quilon, was nearly shot by one of his sepoys a few weeks ago, who discharged his musket into the captain's sitting-room; the sepoy has since been tried, severely flogged, and turned out of the service with disgrace. The offenders in the two first mentioned instances, also met with condign punishment; the murderer of Major Wallace has been hung in chains at Hyderabad. At Trichinopoly, also, in May last, Major Smythe, of the 5th regiment Madras light cavalry, was shot in the shoulder by a trooper; the wound was severe, but the major recovered. The man, immediately on firing at his commanding officer, ran off, got on the top of a high rock, and refused to give himself up, menacing those who approached him: when a young officer of the 28th regiment of Native infantry shot him dead on the spot with his fowling-piece. Such occurrences are fortunately rare, but this shows of what materials some parts of our army consist.

The weather has, in general, been favourable here this season, with a more than usual fall of rain, and Madras has been extremely healthy. His Majesty's 30th regiment are at present in Fort St. George, and, it is said, they go at the end of this month to Trichinopoly; his Majesty's 89th regiment, from St. Thomas's Mount, relieving them in the Fort.

I had almost forgot to say, that J. S. Græme, who was second in Council, has been proclaimed Acting-Governor, and James Taylor, Esq., appointed a Member of the Council Board.

I am, Sir, your obedient servant,

A. C.

P. S.—The Number of 'The Oriental Herald' for March, has just been received at Madras, and the Letter from this place has excited much interest; its truth is universally acknowledged.

PROPOSED IMPROVEMENT IN THE EAST INDIA COMPANY'S ARMY.

To the Editor of the Oriental Herald.

Banks of the Ganges, June 1827.

SIR,—Many attempts have been made, at different times, to assimilate the Company's army in this country to that in his Majesty's service, some of which have been ultimately carried into effect, and others have been found impracticable, owing to the different nature of the two services. There is one custom, however, in the King's army, which I never heard proposed for our imitation, but which appears to me likely to produce more benefit than many that have been warmly advocated; I allude to the practice of officers exchanging from one branch of the service into another; from the

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infantry into the cavalry, for instance, and *vice versa*. There are several periods of our career, at which such a power of exchanging might be attended with beneficial effects. We all know the origin of Cadets : if a gentleman in England has ten or twelve children, he looks to India as a sort of safety-valve, to take off the superfluous number ; more especially, if some unfortunate son should love apples and mischief more than Latin and Greek, the old gentleman immediately shakes his head, and pronounces him unfit for anything but a cadetship. Away, therefore, he posts to Leadenhall-street, and secures such a cadetship as his patron may have left at his disposal, or, as the *stars* at the end of his name may make him entitled to. Nothing is thought of the natural or acquired propensities of the youth ; nor, indeed, is it known what qualifications would best fit him for the different branches of the service. I remember a young officer, who came out at the same time as myself as a cadet of cavalry, and who, though likely to be a credit to his profession in every other respect, could never attain any proficiency in horsemanship. So sensible was he of this defect, that he applied to the Adjutant-General to be removed into the infantry, where he might easily have found some one willing to change places with him. But Government, if I recollect right, replied, that they had no power to make such an alteration, nor could anything be done for him, unless he wrote home for a new commission ; that is, another favour was to be asked in Leadenhall-street, and my friend was to lose the benefit of about two years' service in this country. Instead of being permitted, therefore, to distinguish himself on foot, he was compelled to remain a good-for-nothing dragoon. Nor is the argument applicable only to cadets : suppose a captain of cavalry should lose his arm, he cannot well manage his horse and use his broad-sword with one hand, but he might still lead a company to glory ; or suppose an infantry subaltern to receive an injury in his leg, that might disqualify him from marching on foot, but not from sitting on horseback, why should you prevent him from entering another branch of the army, in which his services may be still available. In case of a removal into the artillery or engineers, some examination might be necessary in the scientific parts of those professions. Then let such examination be insisted on, and the candidates will take care to qualify themselves for it. We may presuppose that officers would generally choose the line to which they are best adapted ; for it is, *prima facie*, natural that a man should seek such duties as he can discharge with credit to himself. It is a man's interest to do so, and that is sufficient to prove that he will do so, in nineteen cases out of twenty. My proposal, Sir, has one advantage, at least, which will recommend it to our mercantile sovereigns—it will not cost them a farthing ; or, to speak more correctly, it will be equivalent to a considerable saving, by giving them a more efficient body of officers ; nor can I see any difficulties in the way of its adoption, which might not by a few subordinate rules be easily disposed of.

PELEGRIE DRYSTICK,

EFFORTS MAKING IN BENGAL TO RESIST THE ARBITRARY TAXATION OF THE EAST INDIA COMPANY.

ALTHOUGH our first Article in the present Number is devoted to the subject of the Stamp Tax in India, we cannot refrain from giving here the substance of a very able paper, which has reached us from Bengal, signed by one of the most honoured and venerated names that can be sounded in an Indian ear—John Palmer—well and truly designated, ‘the prince of merchants,’ and, happily, as liberal in matters of public right and duty as he is munificent in private generosity. It is a document which embraces all the leading arguments, legal as well as political, of the case, and is very properly made to precede the petition sent home by Mr. Crawford, as mentioned in the article already referred to, to be presented to Parliament on its opening. It appears to have been drawn up for the purpose of being sent, with the petition itself, to such individuals as might be able to promote the main object in view : and we, therefore, cannot do better than give it the publicity desired, by inserting it here. It is as follows :

Calcutta, July 5, 1827.

‘The Committee of the Inhabitants of Calcutta, European, Anglo-Indian, and Native, Petitioners to Parliament against the right assumed by the Honourable East India Company, to impose taxes without limit and without their consent or knowledge, respectfully solicit your attention to the subject-matter of their petitions. If, on a perusal of their case, you shall deem it deserving of your countenance, they entreat the boon of your public support in an affair which, though primarily affecting a small body of your fellow-subjects in a remote corner of the great British empire, involves important principles of constitutional law and taxation, that cannot, as they humbly contend, be violated in their persons, without establishing a precedent which reason shows, and experience has proved, to be ultimately unprofitable and hazardous to England.

‘The Committee beg to be allowed the freedom of briefly calling your attention to the leading facts of their case ; for the rest, they refer to the copy of their petition which follows.

‘The government of the British territories in India has been delegated by successive acts of the Legislature to the ‘United Company of Merchants of England trading to the East Indies,’ from time to time for a term of years. That Company was created in the year 1708 : the last renewal of this lease took place in 1813, for a period of twenty years, to expire, therefore, in 1833 ; but on that occasion, the Legislature (in the 53 Geo. III.) distinctly asserted the undivided sovereignty of the Crown over all the British Indian territories and inhabitants.

' By sections 98 and 99 of the same statute, certain powers of raising duties and taxes within Calcutta, were conferred on the servants of the Company abroad, subject to the sanction of the Court of Directors, and approval of his Majesty's Commissioners for the affairs of India. In virtue of the powers supposed to be conferred by those sections, the local Government, in the month of December 1826, passed a regulation for raising a revenue within the city of Calcutta from the 1st of May, 1827, by means of stamps on transfers of property and various other proceedings of a judicial and personal character.

' The claim of the local authorities to impose taxes within the settlement of Calcutta, has never been asserted until the present occasion; and the inhabitants had always understood that power to be limited to *duties of customs* and a *tax on house-rent*, (for purposes of police,) both of which are specifically and severally authorised by the 83 and 53 Geo. III. If such claims had been put forth in 1813, the inhabitants would then have petitioned Parliament against them, as they now do.

' The petitioners are moved to their present remonstrances against this Stamp Act, not because of the mere amount of the burdens now imposed; not by the consideration that these, though privately devised and sent home for sanction two years ago, come into play after one year of profound peace, following upon an expensive war by which they have suffered severely: even the arbitrary and unconstitutional powers with which this obnoxious Act arms the various local revenue officers, do not form the *primary* objects of their remonstrances. All these evils they feel strongly; but their chief alarm is excited by the extent of the claim now for the first time broadly asserted by the Company's Government to tax the King's subjects of this ancient English settlement without their consent, or even previous knowledge, and without limitation as to *description or amount* of impost.

' They feel also, that however improbable, it is not impossible this dangerous power *might* be pushed to the extent of oppressing, or even destroying, private trade and production, by ruinous imposts and financial contrivances of the servants of their mercantile rivals, the ruling power. The petitioners cannot be persuaded that their virtual representatives in Parliament ever intended to delegate such wide sweeping power to the Company or to any subordinate national authority. But if the letter of the statute does admit of that dangerous construction, they pray the Legislature, which cannot have contemplated abdication of its protecting functions in respect to their property, to resume its undivided authority, and to enact that no new taxes or revenues shall henceforward be levied in Calcutta, but by specific statutes, *after due publication* and notice to the parties who are to be affected by proposed taxation; and who claim a natural and constitutional right to be heard by some competent and impartial

authority in some stage of such measures, previously to their being passed into laws.

‘ With every respectful deference to the local functionaries, the inhabitants cannot consider them in the light of such impartial and sufficient authority, in matters affecting rights of property and person; because the Governments of India are the servants of the Honourable Company, and the inhabitants have no voice in the nomination of any functionary whatever, no influence on, nor knowledge as to their proceedings, and no recognized organs of communicating officially with those high authorities. The petitioners feel, therefore, that there is and can be no effectual community of interests between them and their local rulers, and that their only reliance is in the supreme and impartial tribunal of the Legislature, acting in the face of the whole nation, and open to the representations of every class and every individual.

‘ The inhabitants are assured that the agents to whom they confide the important duty of bearing their petitions to England, and watching over their progress, will be allowed the privilege of being fully heard by counsel before both Houses on the great legal questions which arise out of this claim to tax them; that privilege is the more precious and the more necessary, because of the petitioners’ remoteness from the seat of the Legislature, and their helpless and dependent condition; learned counsel will then have full opportunity of stating in detail the objections raised by their clients to the powers claimed by the local Governments; but it may be of use in this place to indicate some of the points on which the petitioners mainly rely, and to which they very earnestly entreat your patient consideration.

‘ The Bengal Government, on occasion of refusing to comply with the humble petition of the inhabitants for the repeal of the Stamp Act, was pleased to rest its assumed right to unlimited powers of secretly devised taxation, chiefly on the following grounds: 1st, That the Act of the 53 Geo. III. does *intentionally* confer the whole power claimed, in as full and ample a manner over Calcutta as over any other part of India; and 2d, that it is “just and necessary” that the immunities and distinctions which have heretofore subsisted between the city and the provinces, should be abolished; that as all equally enjoy the “inestimable benefits” of the Company’s administration, so all should contribute alike to its financial wants, whereas the city inhabitants hitherto have contributed “little or nothing.”

‘ Against the first of these positions the inhabitants contend, that the subsisting distinctions between the inhabitants of the city and provinces are coeval with the first acquisitions of territory in Bengal, and conferred and confirmed by successive charters or acts of Parliament; being of the nature of FUNDAMENTAL AND ESSENTIAL RIGHTS anterior in date to the Company itself; these are not to be argued away by implication and inference, for in 1661, Charles II. conferred on all British settlements in India the benefit of English laws. Cal-

cutta was settled in 1696 by permission of the Mogul dynasty. In 1708, the United East India Company was established under Lord Godolphin's award.

' The 13 Geo. I., 1726, conferred a regular charter of justice, and English courts of civil and criminal jurisdiction in Calcutta, consisting of Mayors, Aldermen, and Justices. The 25 Geo. II., 1754, erected those courts into courts of record.

' The first conquests of the Company took place only in 1757, before which they had no provincial possessions or revenues. From that period cessions and conquests have proceeded with little intermission to the present time, when the Company hold the greater part of India under direct rule, and the remainder under effectual influence.

' In 1765, the Mogul conferred on the Company the Dewanee, or civil and revenue administration of the provinces of Bengal, Behar, and Orissa.

' In 1772, the Company assumed the functions of Dewan.

' In 1769, by the 9 Geo. III., the Company were permitted *temporarily* to hold the revenues of India (as they then stood) for a large annual fine.

' The 13 Geo. III., 1773, established a new Parliamentary Constitution for the Company and for the whole of British India, confirming the grant of the revenues and the fine. For the protection of the subject against the notorious abuses of the Company's Government (declared in the preamble) a new Supreme Court of Judicature was set up in lieu of the old courts. The statute confirmed the old privilege of English laws exclusively (with reservation of certain Native usages of inheritance, marriage, &c.) *within* Calcutta; it extended the jurisdiction of the new Court *without*, to all Englishmen and all Natives in their service or that of the Company. It left to the local Government no legislative power within the city, except to make ordinances for good order and civil government, with the "consent and approbation" of the Supreme Court after twenty days' notice in Court, by publication to the inhabitants, of such intended rules: against this sanction and registration an appeal was provided to the King in Council.

' The 21 Geo. III., 1781, curtailed the civil and revenue jurisdiction of the Supreme Court in the provinces, but confirmed its undivided powers and the sole authority and privileges of English law within the old bounds of Calcutta; it left the co-ordinate legislative functions of the Court untouched.

' The 33 Geo. III., 1793, continued the then revenues (land-rent, salt, and opium) to the Company, on the usual and nominal composition. It levied, for police purposes through the *King's Justices of Peace*, a specific tax on houses; but it left the privileges of the English settlement and Supreme Court intact.

'The 53 Geo. III., 1813, (the last renewal of the twenty years' lease,) left the Court and laws as it found them; but abolished the previous system of a nominal composition, and granted to the Company the *then* territorial revenues under particular appropriation clauses. It provided for raising duties of customs in Calcutta, with the sanction of the Court of Directors and Board of Control, and, as the *local Government asserts*, in its reply to the humble remonstrance of the inhabitants on the present occasion, conferred the fullest powers of taxation, without limit, as well *within* the city as *without*.

'The 54 Geo. III., 1814, legalized all duties of customs which had been levied in Calcutta before 1813, without sufficient warrant, as it appeared, of law.

'The inhabitants of Calcutta deny that Parliament ever could have meant to confer these enormous taxing powers of taxing them on the lessees of India: for, they contend, such a construction is, 1st, inconsistent with the *general* rights and privileges of this old English settlement; 2d, inconsistent with the *particular* rights granted by successive Acts, and specially the 13 Geo. III.; 3d, inconsistent with provisions in the 53 Geo. III. itself.

'1st. The inhabitants, as having been always subject, exclusively, to English *laws*, claim all practicable correlative *rights* of Englishmen, and acknowledge *English* legal and constitutional *liabilities* only. There is this fundamental and original distinction between them and their provincial fellow-subjects, that these last having been a conquered people, possess no English rights but such as the Legislature may have specially *conferred on them*, while the former, as settlers under the English flag, carry with them every right of their original country, not physically impracticable, and *not distinctly taken from them* by Parliament. All such rights they hold by constitutional and common law, and by the gift of Charles II., confirmed by 13 Geo. I. and 25 Geo. II., *before* the provinces were wrested from the Natives, and these rights have been recognized and renewed by repeated enactments, since that conquest.

'2d. In particular, the 13 Geo. III., 1773, left the Company no power to make laws in Calcutta, but by consent of the Supreme Court. But as that Court was restrained from sanctioning any laws save for good order and civil government, ("not being repugnant to the laws of the realm" of England,) it is plain that no general power to tax was meant to be left with the Government or the Court, or any other authority than the natural and constitutional one of Parliament itself.

'This immunity against local legislation, granted to Calcutta at the great era of the Parliamentary Constitution of 1773, the petitioners contend, is of a *protecting* and *general* nature, in full force at this day, unless where *unequivocally* taken away by later acts of the same paramount authority.

' 3d. This construction is borne out even by the statute 53 Geo. III., 1813. For if, as the local Government aver, this act conferred an unlimited power of *universal* taxation, what need was there, in the same Act, to give the *particular* power of levying in Calcutta duties of customs?

' The extended powers of taxation meant to be granted by the 53 Geo. III., referred only to customs and taxes, "*ejusdem generis*," which had theretofore been lawfully leviable in the provinces, but not in the city. If it had been meant that *any* tax of any sort, leviable in the provinces, might be thence leviable in Calcutta, it would follow, that because Government absorbs (lawfully) nine-tenths of the land-rental in the provinces, it might, in like manner, be suffered to absorb a similar proportion of the rental of city gardens and orchards, timber yards, forage and fuel depôts, &c., where the profit is drawn from the *land*! Or, why not nine-tenths of house-rents? Yet, who will contend for such constructions?

' The penalties authorised by the 53 Geo. III. are leviable in the Supreme Court *only*, by information or action, and that Court could only levy such as, under the provisions of the 18 Geo. III., it had sanctioned, because "not repugnant to law." But those provisions unequivocally confine the powers of the Court to registration of "ordinances for good order and civil government." A taxing law is not of this description, and all such matters must be construed strictly for the subject, leaving inconsistencies to be remedied by the Legislature; yet such inconsistencies are fair grounds for inference, that Parliament did *not* contemplate the larger powers contended for.

' The inhabitants, moreover, have doubts as to the legal right of the Company to establish *any* taxes they please, even for the provinces, since the formal recognition of India, as a *royal* dependency, by 53 Geo. III. Can the lessees raise from the King's subjects, of any class, *new* revenues, not recognised by that Act as then in existence, and granted to the Company and appropriated by the statute? If this legal doubt be good, the Provincial Stamp Act of 1824 (which has already been practically abandoned) is contrary to law, and the Calcutta Stamp Act falls to the ground, because professedly founded on the 98th section, in virtue of the alleged right to levy in Calcutta any tax *LEGALLY* leviable in the provinces.

' The second position of the Government is, that there ought to be no distinction between the *ancient* settlement of the conquerors and the *new* provinces inhabited by the conquered; that all should be taxed alike; whereas Calcutta contributes "little or nothing."

' But the petitioners contend, that there is a fundamental and essential difference between the rights and privileges of the two classes, as before explained.

' That fundamental distinctions in the positions of those classes

may justly and reasonably be preserved, so long as, on the one hand, the conquered provinces are excluded by Parliament from being ruled by English laws, and, on the other, the British settlers (the most important, rich, influential, and useful class) are not allowed to benefit by resorting, unrestrainedly, with their skill, capital, and industry to the provinces, but confined by the Company to Calcutta. Accordingly, the law establishes customs and house-taxes, as the direct items of quota to the public purse, payable by Calcutta, while the provinces contribute in other ways their quota in the shape of land-rent, salt and opium monopolies, excises, transits, and the like.

It is to be borne in mind, that English laws, liabilities, and privileges, were originally established in Calcutta for the protection and behoof of the English settlers only. Their illegitimate descendants, and the Natives and others within the pale, enjoy the same immunities in all respects by statute, but only in virtue of having domiciled themselves in that protected circle.

It is not just, although the Company contend for it, that the inhabitants' old privileges should be taken away without compensation of any kind. It is not just, at the end of more than a century, to lower them to the level of the unprotected people of the provinces, however "just and proper," to raise the latter to the level of the former.

But it is the reverse of just to deprive the inhabitants of Calcutta of their ancient rights, until, at least, a full participation be granted to all of them, in the benefits of free resort, and holding land in the provinces.

Hitherto the avowed policy has been to prevent all colonizing and settling in India by Englishmen, who have been taught to consider England as their home, which they were to enrich by their future contributions to her exchequer. They have looked to this hope, and to their exemption, while in India, from certain burdens endured by the conquered people, as their compensation in return for being barred from the natural right to hold land and employ themselves and their capitals as they please. The compensation cannot fairly be taken away without, at the same time, removing those bars, and changing the entire restrictive and anti-colonial system.

British-born subjects cannot come to India without the Company's special leave, and may be sent away from their families and property by the Company's servants at pleasure. They have no voice or share in public measures; no liberty to meet, or deliberate, or speak, or print. They may not go ten miles from Calcutta without special license during pleasure. They may not pass from one district to another without the like permission. They have not in all cases the security of the Act of *Habeas Corpus*. They may not hold or farm lands.

These privations are the conditions on which Englishmen are

permitted to reside in the Company's territories. Whatever some may think of the justice and expediency of those restraints, the present purpose is merely to call your attention to the *fact* that such do exist, and to the inference, that, if the immunities hitherto enjoyed in respect to particular items of direct taxation are to be taken away, all peculiar disabilities should likewise be removed, and free resort and unmo-
lested settlement granted to Englishmen in a country which they are to support by an increased and indefinite share of the general burdens, and no longer to look on as a mere temporary residence.

'The inhabitants of Calcutta have no means of judging of the pecuniary necessities of the Company's Governments. There is no communication between them. They cannot tell how the revenues are expended, or whether alleged wants might not be supplied by economy or improvement of existing resources, as well as by additional imposts. They cannot admit the administration of justice in the provinces (where so much of their capital is at stake) to be as cheap, expeditious, and deserving of confidence as it might be, and as the Government supposes.

'The petitioners must deny the assertion, that they contribute little or nothing to the public revenue: on the contrary, they maintain that they pay their full share directly and indirectly to the general expenses, and that capital to the extent of several millions sterling, which they have spread over the country, notwithstanding many obstacles, is one main cause of its prosperity; and, in particular, an efficient means of enabling the Company to realize the land-rents. As consumers of produce, and sole exporters and importers, the inhabitants of the town and port of Calcutta contribute largely to the territorial revenues, the salt and opium monopolies, and internal duties and taxes of all sorts.

'They advance, in the first instance, the entire sea-customs, above 200,000*l.* per annum; they pay direct house and police-taxes, port, and marine charges and establishments, town duties on consumption, post-office charges, ground-rents, and various other lesser items of contribution for public purposes.

'Under all these heads of direct and indirect contribution, they consider themselves to be taxed in a ratio to their numbers and property, exceeding that of the population of the interior, and in a proportion fully equivalent to the benefits they reap from the protection of the Honourable East India Company. They confidently put their trust in the Legislature, that it will protect them from further indefinite calls upon their property, at the pleasure of that Company, or the Ministers of the Crown, AND WITHOUT THE PETITIONERS' PREVIOUS KNOWLEDGE, AND THE CONSENT OF THEIR VIRTUAL REPRESENTATIVES IN PARLIAMENT.

(Signed) 'JOHN PALMER, Chairman.'

'Petition to the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament Assembled, by the Undersigned Inhabitants of Calcutta.

'SHEWETH,—That your petitioners feel deeply aggrieved, by the exercise of a power lately assumed by the local Government in India, but not sanctioned, as your petitioners humbly submit, by any existing statute. That your petitioners have, without success, prayed relief from the constituted authorities in this country; and now humbly beg permission to lay their grievances before your Honourable House, in the full conviction that they will be maturely considered, and such redress afforded, as to the wisdom of the Parliament may seem fit.

'That before the passing of the 53 Geo. III. c. 155, s. 98, 99, the Indian Government had no power to impose any tax whatsoever within the limits of Calcutta, except an assessment upon houses, limited in amount, and exclusively appropriated to the purposes of police,

'That the regulation of commerce necessarily required that certain duties of customs should be imposed within Calcutta; and such duties, although unauthorised by any statute then existing, were from time to time imposed by Government, and paid by the British and Native inhabitants, who felt and admitted the expediency of such measures, and never in any instance took advantage of the inability of Government to enforce them, if resisted.

'That to remove the difficulties likely to arise from continuing to impose unauthorised duties, the 53 Geo. III. (c. 155, s. 98, 99,) was introduced; by such enactment not being retrospective, it was deemed expedient shortly afterwards to pass the 54 Geo. III. (c. 105,) declaring valid all duties previously imposed. That fourteen years have elapsed since the enactment of 53 Geo. III. (c. 155, s. 98, 99,) during which period various duties of customs have been levied, as before, within Calcutta: but Government have never imposed, or intimated any right to impose under the powers conferred by that statute, any tax other than duties of customs.

'That a regulation has lately been promulgated, for the purpose of enabling Government to levy within Calcutta a stamp tax, exorbitant in amount, and most vexatious in its details; in the preamble to which, it is alleged to have been passed by the Vice-President in Council, under powers vested in him by the 98. 99 sec., 53 Geo. III. c. 155, and with the sanction of the Court of Directors, and the approbation of the Board of Commissioners for the affairs of India.

'That your petitioners, confidently believing that the statute adverted to did not confer any such power; and dreading the operation of the tax, as fatal to the commercial interests of Calcutta,

and injurious to the free trade with the mother country, which it was the object of that very statute to create and foster, addressed an humble petition to the Right Honourable the Vice-President in Council, praying that the regulation might be abolished. That Government in reply, refused to grant their prayer, and assigned at length the grounds of their refusal, distinctly avowing, that they possessed, in concert with the Court of Directors and Board of Control, a right of taxation within Calcutta, limited only by their wants and their moderation. Your petitioners then prayed, that the regulation might not be enforced pending a petition to Parliament; but that request was also peremptorily refused.

‘That your petitioners then addressed a requisition, in the usual form, to the Sheriff of Calcutta, requesting that he would convene a meeting of the inhabitants of Calcutta, to take into consideration the propriety of presenting a petition to Parliament on the subject of the Stamp Regulation, and generally, the powers vested in the local Government by the statute therein adverted to: That the Sheriff accordingly inserted an advertisement in the public papers, convening a meeting as requested, but shortly afterwards recalled his advertisement, stating that Government would not allow the inhabitants to assemble for such a purpose.

‘That your petitioners being thus prohibited from assembling in the usual, legal, and constitutional manner, your Honourable House would naturally conclude, that the motives of your petitioners had been questionable, or their language intemperate: Your petitioners will not rest satisfied with disclaiming such imputations; they entreat permission to transmit, herewith, their petition to Government, with the reply thereto, and their subsequent request and its refusal; and they submit their conduct with confidence to the severest judgment of your Honourable House.

‘Your petitioners have deemed it necessary to state thus much in explanation of this their petition, not having been submitted to a meeting convened by the first magistrate. But your Honourable House may rest assured, that this petition embodies the feelings and sentiments of the inhabitants of Calcutta; and they venture to state, that it will be more numerous and more respectfully subscribed than any petition which ever left the shores of British India. Your petitioners, at the same time, feel fully satisfied, that the dangerous power thus assumed and avowed by the local Government, will, of itself, attract the attention of Parliament; independently of the earnest solicitations of those who have the misfortune to be subjected to its influence.

Your petitioners contend, that the 53 Geo. III. (c. 155, s. 98, 99) was limited to the duties of customs, and other taxes of the same description; that the only mischief which had been experienced, was the inability of Government to impose such duties within Calcutta; and that the only remedy contemplated, was the removal of

that specific disability. Anterior to the 54 Geo. III., c. 105, no taxes had ever been imposed within Calcutta, except duties of customs; and yet that statute, in declaring valid existing and past duties, uses the very same words and terms which occur in the 53 Geo. III., (c. 155, s. 98, 99.)

‘ But your petitioners do not rest on the narrow ground of legal construction. They beg the attention of your Honourable House to the origin of the enactment in question, and to the financial history and constitution of British India; which tend to show to demonstration, that Parliament never intended to bestow the alarming power of general and unlimited taxation. Your petitioners urge, that if Parliament had intended to bestow upon the local Government any such power, the preamble would have recited the inadequacy of the existing sources of revenue, and the necessity for new; would have jealously limited the amount of such taxes, and would have cautiously specified the application.

‘ The Government, in their reply to your petitioners, rest their arguments on the assumption, that the public burthens had always been borne by those resident in the interior; that the inhabitants of Calcutta had enjoyed an inequitable exemption from taxation; and that the wish of Government, and the intention of the enactment, (43 Geo. III., c. 155, s. 98, 99.) was to remove such invidious distinction, and to compel all to contribute equally to the burthens of the state. If such were the intentions of the Government, and such the meaning of the statute, it is strange that hitherto it has never been acted upon; it is strange that the *then* Government, which sought and obtained the remedy, should never have applied it; and that the meaning of this enactment, where intention is the very essence of construction, should not be discovered until fourteen years had elapsed, although the supposed evil intended to be repressed was in full force all the time.

‘ Your petitioners contend respectfully, that the inhabitants of Calcutta contribute, either directly or indirectly, their full share to the revenues of Government; that the error in fact, and fallacy in reasoning, which pervades the whole reply of Government, is obvious, and arises from arguing, as if the political relation of the governors and the governed, and the mode of raising revenue, were the same here as in England. They do not advert to the peculiar circumstances of this country, and of British subjects permitted to reside here; such subjects remain merely by sufferance, and are excluded from all voice in the Government, or in the mode of raising and appropriating its revenues; they are not at liberty to reside where they please, nor to acquire a permanent settlement any where; thus excluded from all power or influence, subjected by the policy of the law to numerous political disabilities, and debarred from the free use of their capital and industry. Such of your petitioners as are British-born, humbly submit they have a right to urge, that if

British principles of taxation are introduced, British principles of Government, and British privileges, ought to accompany and reconcile them to the evil.

“The revenues in India are not raised, as in England, from taxes voluntarily imposed by the people; they belong to Government by right, and are held and raised independently of the will of the governed. The East India Company found the Eastern system of finances in full force, and they have rigidly adhered to it as most productive, and perhaps best suited to the habits of the Natives, and the state of the country. The land is the great source of revenue; the right to the soil remains in the Government, and the whole population may be considered as tenantry, who reserve what is sufficient for existence, and render the residue to the ruling power. Where such a system exists, your petitioners submit, that it would be absurd in principle, and intolerable in practice, to superadd general taxation, as it prevails in England. Your petitioners verily believe, that the Stamp Regulation is only introductory to a system of general and oppressive taxation. The annual revenue expected to be realized from stamps is only computed at 6 lacs, (60,000*l.*.) and your petitioners cannot suppose that Government would have deemed it politic or wise to spread alarm and discontent by the exercise of a power both obnoxious and dubious, unless some greater return were contemplated.

“Besides the territorial revenue, which constitutes nearly three-fourths of the Indian finance, there are the great monopolies of salt and opium, duties of custom, and profits derived from trade. Your petitioners aver that these have hitherto been regarded as the only sources of Indian revenue. That the various statutes regulating and appropriating the finance of the country, advert to none other: and that general taxation has never been contemplated as a source of revenue, even in the interior where the power of Government is without limit or control. Your petitioners need not urge, that to each of these sources of revenue they mainly contribute. They are told in the reply of Government, that customs, though paid in the first instance by the merchant, fall ultimately on the consumer; and they should have thought that the same reasoning would render it equally obvious, that rent of land revenue, though paid by the cultivator of the soil, must fall on the consumer of the produce. Your petitioners will not trouble your Honourable House by details; but such of them as are British-born cannot refrain from stating, that for the cultivation of indigo alone, the British merchants of Calcutta advance annually nearly two millions sterling. This fact is well known to Government, and the results, as affecting both territorial revenue and customs, will appear from inspection of the public accounts. It was believed by your petitioners who are British-born, that the Government could not have overlooked or undervalued such a cause of public prosperity and public revenue; and they had

hoped that the value of British capital and British industry pervading the Indian Empire, would have been acknowledged and admitted; and that they would not have been taunted with enjoying security and protection from establishments to the support of which they contribute nothing.

‘In conclusion, your petitioners submit, that the power against which they respectfully but earnestly protest, is illegal, impolitic, and unjust. That the facts adduced in its support are erroneous, and the reasoning fallacious and inapplicable. Such of your petitioners, in particular, as are British-born, feel that their rights have been violated, and their property declared subject to constant and undefined invasion, without any intimation of the evil while it approaches, and without any means of address when it arrives. Thus situated, your petitioners have no tribunal to which they can appeal for relief, except the Parliament of Great Britain. Before your Honourable House, they humbly lay their wrongs and their entreaties; and although half the world intervenes between them and the seat of your councils, they feel confident that the distant voice of respectful remonstrance will be heard within your walls, and that protection afforded, which is not limited to climate or to colour, but equally extended to all living under British rule, whether in the East or in the West. Your petitioners, therefore, humbly pray that Parliament will be pleased to pass an Act, declaring that the 53 Geo. III. c. 155. s. 98, 99, is limited to duties of customs, and that such statute does not empower the Governor-General in Council, with the sanction of the Court of Directors and Board of Control, to impose any taxes within Calcutta, other than duties of customs; or for such other relief as to the wisdom of your Honourable House shall seem fit, and that your petitioners may be heard by their counsel at the bar of your Honourable House in support of their petition; and your petitioners shall ever pray.

GENERAL SUMMARY OF THE LATEST INTELLIGENCE CONNECTED WITH THE EASTERN WORLD.

THE latest Papers that have reached this country from India since our last, extend to the 20th of July from Bengal, the 2d of August from Madras, and the 12th of August from Bombay. The principal topics adverted to in these, we have made the subject of separate consideration in the original articles of the present Number. But as there is generally much in the miscellaneous paragraphs of Indian News that is interesting to English readers, we select the most striking of those contained in the Papers before us, beginning from the earliest date in June, and extending through July and August to the date of the latest received.

One of the earliest of these Papers contains the following account of the origin of the war in the Punjab, in a more detailed manner than we have hitherto seen it stated, and which we therefore transcribe at length :

By advices from the Punjab, we learn that the war which has been so long impending between Raja Runjeet Sinh, and the Afghan chiefs, has at last occurred, and actual hostilities have taken place. The Native papers have, for some time past, adverted, although indistinctly, to the state of affairs in this quarter, and it appears that various causes have contributed to occasion disturbances. In the first instance, some dissension occurred between Jay Sinh of Atara, and Raja Seuchet Sinh, commanding a force upon the Atok, originating in private pique, felt by the former against Mian Dhillan Sinh, the brother of the latter, some years since, on which occasion Jay Sinh entered the service of Peshawer, but subsequently returned to his allegiance; the parties came to blows, in which Seuchet was defeated, but no consequences seem to have followed the transaction, all other consideration giving way to the insurrection of the Afghan tribes, headed by a religious fanatic, and secretly encouraged by the ruler of Peshawer.

The ostensible chief is Syed Ahmed Ali, a native of Bareilly, and well known as a turbulent character. Having left India on a pilgrimage to Mecca, he has passed his time, on his return, in Sindh, and the countries on the Western frontiers, preaching a crusade against the infidels of Hindoostan, and latterly, in Afganistan, it should appear, with some success, having assembled a force of Yusef-zeis and Nur-zeis chiefly, in three divisions, one under his personal command, and the other two under that of Maulavi Ismaiel and Abul Hye. His movements were watched during the early part of February, by Boodh Sinh, with a Sikh force, and several petty affairs took place, in the course of which Boodh Sinh advanced to Akora, beyond Atok, the Syed being encamped at Noshera, a

short distance on his front with between 30,000 and 40,000 men. Yar Mohammed Khan at first disavowed all connection with Syed Ahmed, but at last threw off the mask and joined him at Noshera. The force with Boodh Singh was at first but 4000 men, but on these occurrences becoming known at Lahore, reinforcements had been sent to him, making his army between 15,000 and 20,000 men. The enemy threatening to cut off his communications, he fell back upon the Indus, near to the village of Seydoo, where he was attacked by the whole force of the Mohammedans, amounting, according to some accounts, to 90,000 infantry and 10,000 horse, on the 21st of February. The greater part of this host being ill armed, and worse organized, made no impression on the Sikh troops, who, after repelling two desperate but disorderly attacks upon their position, advanced to the charge with great determination, and put the enemy to the route. In the flight great numbers were sabred by the Rajah's cavalry, and a body that had taken shelter in the village of Saydoo, was surrounded and entirely destroyed. The Mohammedans lost eight pieces of artillery and about 100 swivels, and their camp was plundered by the victors. It was not known in what direction the chiefs had fled. In consequence of the victory, the regular battalions and foot artillery, which had been sent off to join the army, had been remanded, but Monsieur Ventura had been ordered to advance to Peshawer, and occupy the balahissar, or citadel, whilst Monsieur Allard, with the cavalry, was instructed to join the Prince Sheher Singh, and remain with his force at Hesht Nagar near Peshawer. It was thought propable that the enemy would not be able to make head against the Rajah's troops, the dispersion having been complete. The date of these advices is the beginning of March. At this time the Rajah's health continued much the same, and he was unable, to his great regret, to take the field. He was living in tents in the gardens to the east and north-east of Lahore, in which he was frequently shifting his quarters; latterly, they were near the Sumun Burj, on the bank of the small branch of the Ravi, which washes the north-west extremity of the city. Another French officer, we learn, has lately joined the Rajah's service, and one, on his way to Lahore, is still detained at Peshawer.

The following account of the insurrection in Tartary, from the same Paper, will be deemed interesting:

'We lately adverted to the insurrection in Chinese Tartary, upon the authority of the 'Malacca Observer.' Ili or Gulja, the headquarters of the Chinese military government of that country, is but little known, and the following account of it, from the 'Magasin Asiatique,' may not be uninteresting at this moment. The only notice of it, we remember to have seen elsewhere, is given by Mr. Moorcroft's 'Moonshee,' and precursor, Izzet Ullah, a translation of whose interesting travels is to be found in the Calcutta 'Quarterly Magazine.' As, however, Izzet Ullah did not visit Ili, his notice is less satisfactory than that which Klaproth has published.

Oriental Herald, Vol. 16.

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'The following account of the place is given by Poutimstew, who was there in 1811 :

'Gulja, or Gulja Kure, called also Jang-Khiun Khoto, or city of the military government, is built upon the right bank of the Ili, which is here very lofty. The river rises at the distance of two hundred versts in the Tekes and Talki mountains, and empties itself into the Balkhchi lake. Gulja is surrounded by a wall of square stones, three toises high, without a ditch or outworks, with the exception of a brick wall, extending along the banks of Ili for about one hundred toises, and much delapidated. This city, although the seat of the Government, is not at all superior to those of Yarkend, Khotan, and Koucha, inhabited by Mohammedans or Kashmir of the Kera Katay, or Bayarder of the Manchoos. It contains about ten thousand houses, few of which are of any size, and the streets are narrow and dirty. There are several splendid temples, in which shows and entertainments are exhibited daily. The Mohammedans have several mosques. The principal part of the population is formed of the people called by the Chinese Kara Kitai Nogonlouk, and Topgan. The last consider themselves to be the descendants of the soldiers of Timur Askak, or Tamerlane. They are bigoted Islamites, but speak Chinese, and have adopted all the vices as well as the dress and habits of that nation.

'When the Chinese became masters of the six Mohammedan cities, Yarkend, Kashghar, Khotan, Kouna-urphen, Turfan, and Oochi, about sixty years ago, they sent one thousand men from each city, and six thousand more from different Tartar tribes, to the territory of Gulja, in order to cultivate the ground to raise grain for the troops stationed there. A small portion of these were fixed in the town, the rest were scattered over the adjacent country.

'Although the resident population of Gulja is still inconsiderable, it is a place of great resort, being the mart at which merchants from the heart of China meet those from western Asia, or from Bukharia, Kokend, Mirgilan, Taskend, and even from Kashmir and Hindoostan. The latter bring inferior muslin, silk-cottons, shawls, and white cotton cloth, called *beize*. The traders take up their quarters without the town, the streets of which are always crowded with traders and artisans, and well supplied with taverns and tea-drinking houses. Travellers and unmarried men invariably dine and sup at the taverns; and even families send to them for their meals. In the tea-rooms there is constant smoking, occasioning a heat and stench quite intolerable to those unaccustomed to them. Gambling-houses are also common, and much frequented, especially by the Topgan and Kara Katai.

'The inhabitants of Gulja, and the neighbouring towns, are industrious, and addicted to commercial pursuits. The Chinese exercise different handicrafts, and are blacksmiths, cutlers, carpenters, and jewellers. The Topgan keep kims, cultivate gardens, and are retail shop-

keepers. The Mohammedans are equally cultivators, traders, and mechanics. The Monguls rear cattle, and cultivate the soil. A considerable traffic takes place here in oxen and horses, which are sold to the Kirghiz, who supply the troops with them, or sell them to the people of Urumsî. The rest of the horses are sent to the Government studs, which are always kept up to the full complement, although individuals are permitted to procure from them horses to replace such as they may lose. The Government purchase cattle with the white cotton cloths which they buy with silver from the Mohammedans. Russian goods are chiefly broad-cloth and leather, but they are admitted only as coming from the Sultans of the Kirghiz; part is applied to the wants of the army, and the rest sold to agents from Peking.

'The impediments thrown in the way of the trade with Russia, deprive the Chinese of many advantages. An unrestricted commerce with that country would attract merchants from all quarters to Gulja, and an extensive interchange of commodities be readily effected, to the profit of all parties.

'Goods brought to Gulja are not subject to any fixed impost. On the great road from Western Asia, which passes by Yarkend, Khoten, Kashghar, and Aksu, a duty is levied in those cities of one in thirty on every kind of merchandise. Horses and camels are free.

'The people of Gulja pay a monthly tax in silver, according to their occupations. The Mohammedan colonists cultivate the public lands, and are, therefore, not taxed in any way; each is bound to send to the imperial granaries eight sacks, each about six pounds and a half of rice, pease, barley, flour, and millet. This contribution is exacted from every individual between the ages of twenty and fifty, and the sons succeed to the labours of their fathers. Whatever grain is required for the troops is distributed from this source, and the rest is preserved in the imperial granaries. In 1809, three years' store having been spoiled through neglect, the *Jang-giun* was obliged to make good the loss to the Government.

'The *Jang-giun* is the military governor of the province, and commandant of the troops; he has a council of five officers, and is assisted by the three chiefs of the Kara Katai, Mohammedans and Toup-gan. His body-guard consists of 120 Manchoues, who are the only people that regularly discharge military service. The rest of the force, consisting of the different Nomadic tribes, is only employed occasionally, and, at other times, the individuals composing it follow their avocations. This force is wholly cavalry, and consists of 28,000 men, in five divisions, one of 4000, and four of 6000 each, which perform the military duty of the frontier alternately. The men are armed with sabres, lances, and bows and arrows. In time of peace, each provides his own horse and arms; in time of war, they are supplied by the Government. No artillery is attached to

this force, and the guns in the city appear to be kept only for ceremonial salutes; they are small, of iron, and are not mounted.

Fifty versts from Gulja Kure is Gulja, a large town, governed by a Jang-giun, and inhabited by Mohammedans. Gulja Kure, or Illi, is situated in north latitude $42^{\circ} 26'$, and east longitude $82^{\circ} 48'$.

The following observations on the expense of the smaller Governments of India, are given in the shape of a letter to the Editor of *The Bengal Hurkara*:

A report is prevalent that we are to have one, if not two, new Governments in Upper and Central India. After the failure which has already attended the establishment of petty Governments in other parts of India, it is quite surprising that the home authorities should still persevere in these idle and expensive projects. One would really have thought that making Bencoolen and Penang presidencies, and the former a lieutenant-government, more than sufficient to bring discredit and ridicule upon such schemes. Neither is the anomalous government recently created in the Straits of Malacca likely, from all accounts, to retrieve the reputation of petty governments. The cause of all this is very obvious, and I shall proceed to explain it in a few words. A small government is only good and respectable, when the state is free, and the administration popular. We have examples of such governments, where the people control the expenditure of their own money, and make their own laws: in ancient Greece, in Italy in the middle ages; and, in the present day, in the confederation of the Anglo-American States. If a government be neither free nor popular, the larger it is the better it is likely to be administered. China, for example, is better governed than a Malay principality; and the Mogul Government was far better than that of any Hindoo Rajah. Of all our Indian Presidencies, that of Bengal, although not absolutely perfect, is incomparably the most liberal and enlightened. In the spirit in which it is administered, it is at least half a century a-head of those of Madras or Bombay. For proof of this, look to the state of the public press, and of municipal law, at the three Presidencies. At Calcutta there is something like British feeling and British spirit. The genius which prevails at the other two is purely Asiatic. A considerable government acquires a certain elevation of sentiment and conduct from the very importance of the subjects brought before it; and it has too much to do to meddle in trifles; a petty government, from sheer idleness, busies itself in a thousand trifles which are not within the province of governments at all. In short, its great vice is *over-government*; a great government has an extensive patronage, and is generally disposed to rest satisfied with what it possesses. A petty government, on the contrary, is always ambitious, and seeks every possible means of extending its influence and grasping at authority. When it cannot do so abroad, it is ever as

already mentioned, to meddle in the affairs of private individuals at home. It is naturally jealous of its subjects, and, in return, runs a considerable risk of incurring the "hatred and contempt" which it pretends to deprecate. Another decided advantage of a large government, and which a small one necessarily cannot possess, is this, that it has always a considerable public which silently if not openly guides or controls its acts, and to which, whether it choose to acknowledge it or not, it is always more or less responsible.

Subordinate places, without free institutions, are always better administered by the local officers of a superior government than by independent governments of their own. Such local officers are not above public opinion in the societies in which they reside. Of themselves they can do little or no harm, for every thing must be referred to a superior authority. That authority, at least, will not be disposed to interfere too much, for it will not only be too much occupied with its own immediate concerns, but will not always be a very competent judge of subjects referred to it. The dependency will thus thrive as if it were from neglect, or, at least, from being spared the mortifications and impertinencies of over-government. Penang and Singapore, while they were petty residencies, as they ought always to have continued to be, were cheaply and tolerably managed. Their expenses could not have exceeded four lacs of rupees a-year between them. They are now, from all accounts, six times as much, and, to say the least of it, certainly without being six times as well governed. Mal-administration and extravagance are the inevitable consequences of petty and irresponsible governments. That most exquisite of all jobs, Bencoolen, cost latterly, I am told, about 130,000*l.* a-year; this payment may be said to have been laid out for no other purpose than to maintain a charnel-house. If the experiment had answered as a beacon, to warn us against the danger of similar experiments, the money might still be considered as well spent, but it is clear it has not.

I will venture to predict, that if the reported governments be established in Central India, the Civil establishments will be troubled, and the administration of the countries subject to them not one whit improved. There is no community in that remote part of India that can influence the conduct of those in authority; the local chiefs will have none around them but flatterers and expectants. For every material act of the local Government, the Governor-General will still be responsible to the Indian Government at home, as well as to the Parliament. The Supreme Government will not only have to undergo the drudgery which it at present undergoes on account of the administration of the countries in question, but also the labour which will arise from the passion of the local Government for making work for itself and others. If the duties are at present too onerous for the public functionaries at the seat of the Supreme Government, the easy and obvious remedy, as far as the present

constitution of the Government will admit of a remedy, is to increase their number, and to establish a more skilful subdivision of employment.

The author of the proposal of creating new Governments in Central India, is well known to be Sir John Malcolm. The proposal is, indeed, contained in his printed work. Sir John, although a clever man in some lines, is, in his views of society and government, a mere empiric. Any one who will take the trouble of perusing his evidence before Parliament on the question of Free Trade, and compares the denunciations, the miscalculations, and the real ignorance of the mechanism of human society therein contained, with the results of that measure, the most signally beneficial which has ever been adopted in the Government of India, will be convinced of this truth.

To this letter, the Editor of 'The Bengal Hurkaru' appends the following observations :

Our correspondent J., whose letter will be found in a preceding column, has given some forcible reasons against the establishment of petty independent governments. The absurdity of furnishing territories, which might be well managed by a justice of peace and half a dozen constables, with councils and secretaries, surveyors-general and collectors, and all the apparatus required for the government of an important state, scarcely requires to be pointed out ; but the question naturally occurs, who could have devised such a plan ? The answer is, that the object of Government is twofold,—the good of the *governed*, and the good of the *governors*. In all independent states, the former is at least supposed ; in all dependencies, the latter will be found to be the guiding principle. Next to personal emolument, patronage is the great object of men in power, and that can only be given by the creation of offices. These offices are valuable in the direct ratio of salary and the inverse ratio of work ; to be employed in the government of a large and important country, must require much labour and some talent ; but an insular member of council, whose most important deliberations are on the proper length to which firewood may be cut, or the form of a notice to kill a pig, may pass his days in measureless content, free from all fear of responsibility, till the accumulations of his salary enable him to retire with sufficient dignity from the exercise of his very important functions. The habit of attending to such *minutiae*, leads to the meddling system which our correspondent notices. At some of the late meetings to petition against the corn-laws, it was proposed that the amount which the landholders derive from them should be paid by a direct tax, as a much cheaper mode of supporting the aristocracy than the monopoly which they now enjoy. In the same manner, if it is really necessary that a certain number of young gentlemen should be annually provided for, would it not be much better to pay them a handsome salary for staying at home,

where they could do no mischief, than to send them abroad, at the risk of their own health, and to the certain injury of a part of his Majesty's subjects? A plan of this kind has been partially acted upon by the Turks: some of the Greek islands used to pay a handsome sum to be *let alone*; and we have little doubt that some under the British flag would be very willing to bargain for a similar exemption from the visits of their Pasha.'

The following paragraphs of general news appear in the same Paper:

'The Right Honourable the Governor-General, we understand, intends leaving the Hills about the middle of next month, on his return to the Presidency.'

'Preparatory to his Lordship's expected arrival on the banks the Ganges, the *Sonamooky*, and other large pinnaces of the Governor-General's fleet, left Allahabad on the 8th instant, and got safe round the fort. At this low period of the river, this was by no means an easy adventure, or one free from danger, for the currents at the spot are extremely strong and rapid, and the channels shift almost daily.'

'By letters from Simla of the 5th instant, we understand that the Right Honourable the Governor-General and his party continued to enjoy their residence amongst the mountains. The weather was so cool, as to render fires necessary morning and evening. It was with much regret that the approaching period of departure was contemplated by all. The mission from Runjeet Singh arrived on the 4th, escorted by a party of regular infantry and lancers, who are said to have made a respectable figure. The presents were very costly, and amongst them is an entire tent, made of the most valuable shawls; this is intended for the King of England. Captain Wade, with one of the aides-de-camp, is to be sent with a letter and presents to the court of the Maha Rajah in return.'

'The Honourable Sir Edward Ryan, Knight, yesterday took the usual oaths and his seat on the bench as Junior Puisne Justice of his Majesty's Supreme Court of Calcutta, under a salute from the ramparts of Fort William.'

In a former article, on the advantage of colonizing India by British settlers, we gave an account of several elevated stations in that country, in which the climate was quite adapted to European constitutions. The following account of another station of that description in Sylhet, is from the 'Government Gazette' of May 22: 'We lately had occasion to notice the purpose of establishing a convalescent station upon the high ground to the north of Sylhet. We have since been favoured with the following particulars of the intended site:

'It has been proposed, we understand, to erect two bungalows:

one on the mountains, near Asm, on the lands of Raja Tiath Siah, the other on the Sylhet side, on the estate of Raja Dewan Siah. It is to the latter, chiefly, that our notices apply.

This station is at a place called Chira Punji, nearly twenty miles from Pandua. The first two miles from the latter place pass over the plain, through a jungle of low bushes, grass, and a few trees, much of which has been cleared very lately by the inhabitants of a Cosya village, recently settled in this direction. A gradual ascent then leads to the crest of a low range of hills, about three hundred feet above the plain; along which a path proceeds, for about four miles, to the westward. The track then having united with that from Parapunji, turns northward, and passes over a second range of hills, rather more steep and abrupt than the first, but perfectly practicable.

On the summit of this range, 1800 feet above the plains, is Bairang Punji, a Cosya village, occupying a commanding position, but destitute of any other natural advantages, being surrounded by jungle, and ill supplied with water.

On the sides of the hills are extensive plantations of betel-nut trees, oranges, and jacks. The lime-stone quarries are seen in the valleys on either side of the road. On the north of Bairang is a valley, through which runs a water-course, and along it are situated the villages of Neyumdah, Sorkoolong, and Motang. The road passes through the latter to the foot of the third ascent, termed Mahadeo ki Chartee, a winding and rather difficult pathway, cut in the side of the mountain, and rising to the height of a thousand feet, or two thousand and three hundred above Pandua. From the summit of this elevation commences a table-land, sloping upwards very gently to the north, and offering no difficulties that may not be very easily removed.

The pass of Mahadeo is paved for the accommodation of foot-passengers, and could scarcely be rendered available to cattle, without becoming less practicable to men. A cattle-road, however, may be constructed a short way to the east. From the Mahadeo-pass to the summit of the fourth ridge, three thousand and five hundred feet above Pandua, the distance is about two miles; thence to Moosmye, is a mile and a half; and from that to Chira Punji, about three miles, making a total distance of ten miles from Bairang. The altitude of Chira Punji, by barometrical measurement, is four thousand and two hundred feet above the plains; and, by trigonometrical survey, the height of the ridge, to the northward, is about four thousand and six hundred feet; that of the mountains to the north-east appears to be still more considerable.

The country about Chira is open and undulating, rising into gentle hillocks, and intersected by ravines, in the bottom of which run shallow streams of clear water, forming occasional falls over projecting points of rock. There are few trees, but some of the elevations produce a few slender bushes. Many of the European

fruits are found wild, as the raspberry, the strawberry, the apple, and the plum. The fir-tree is a native of these parts.

A fine nutritious short grass grows in abundance on the table-land, and yields excellent pasture; the cattle, consequently, are of a superior-quality to those of the plains. The climate is temperate and agreeable; at a season, when the thermometer at Pandua was 77° in the morning and 94° in the afternoon, it stood at Chira at 60° morning and evening, and never exceeded 77° throughout the day. The natives are remarkably healthy.

One great advantage of the position is, the facility with which it may be reached, and with which all the conveniences and luxuries of life may be transported thither. Boats of the largest size may proceed from Sylhet to within three hours' distance of Pandua, at all seasons, up the Soorma river, and from Pandua, a few hours will convey them to Chira Punji.

The estate of Chira Punji is the property of Dewan Singh, who has uniformly given great satisfaction to the British authorities. It does not extend much beyond the village of Chira, and includes the four villages mentioned above, as well as Soorang, to the east of Bairang and Moosmye, the residence of Mookum Rajah, a kinsman of Dewan Singh, who holds a joint interest in some of the villages.

Our information of the site of the bungalow on the Asam side, is less precise than the preceding, and we have been able to collect only the following particulars: It is within the territory of Tirath Singh, usually known as the Dulla Raja, which extends from the low land of Asam, some distance beyond Lungburee, and the chief town of which is Nungklow. The elevation of this latter is about four thousand feet above the plains, the country is open, and the climate temperate and salubrious. The Rajah, some time since, agreed to co-operate in the construction of a road, practicable for elephants and cattle, and the chiefs of the adjoining districts, as far as to Chira Punji, had also expressed their concurrence. By the construction of a road, therefore, on the Sylhet side, to that station, the communication between Asam and Sylhet will be maintained with every attainable facility.

The settlement of our newly acquired territory in Arracan had become a subject of discussion in the Bengal Papers. The following is from the same Number of the "Government Gazette," and may be regarded, therefore, as coming from authority:

We understand that the arrangements for the administration of this province, and the regulation of the police, have lately been established upon a systematic organization. The duty of the police in the interior, is little more than that of surveillance, as the zemindars are held responsible for the maintenance of good order in their respective divisions, and crimes of serious dye are of very rare oc-

currence. The chief scope for the activity of the police, and where it is necessary they should be armed, is the boundary along the hills, from whence the Khyengs have been accustomed to descend, and plunder the low country. In proportion, however, to the success with which these marauding incursions are resisted, they will gradually be discontinued, and the necessity to guard against them will cease. The revenue arrangements, for a term of three years, have been most readily entered into by the zemindars. With the growing population of the country, and the augmented market for natural produce, there will, probably, be no difficulty in realising the amount, at least to more than a sufficient extent to cover the cost of management. The amount of the revenue is estimated at above twenty lacs, and the charges at not much more than half that sum. No taxes have been imposed on exports and imports. Two annual fairs have been established, one at Tulak, to commence on the full moon of December, and one at Aeng, on the 5th day preceding the full moon of March, each to last five days. The fulfilment of their engagements has been declared to be the only condition of perpetual possession by the zemindars, including a right of alienation by sale, bequest, or gift. Such a right was never admitted by the Burman Governors, although the tenant was usually left in possession, upon his paying a fine or *douceur* to each new governor of the province, who was changed every three years, and had full powers to alienate as he pleased: the Government, throughout the Burman state, being the only proprietor of the land, and the cultivators, consequently, living in a state of insecurity, fatal to the existence of agricultural prosperity and population.

The head men of the villages, the Gongs, (the *Gaums* of Asam) or Paradars, have been retained in the new system, on a footing similar to the Tashkheesee Talookdars of Bengal. They are chosen by the villagers, and collect, in kind, or money, as may be agreed upon, and are not removable by either the zemindar or ryots, except with the concurrence of the supreme authorities, and only on proofs of incompetency or gross misconduct.

An attempt has been made to introduce the mode of catching elephants in a keddah, as practised in the more northern portions of the provinces, which promises to be successful. In the first trial, fifteen elephants, available for the public service, were secured.

It is satisfactory to learn, that the state of the European officers, Native troops and flotilla, continues healthy. No tendency to the epidemic fever has been manifested, and, as the principal stations have been much improved by clearing away the jungle, and draining, there is every reason to hope that the military posts will continue to improve in salubrity.

The transactions that were the cause of the late alarm at Akyab, seem to have originated in the arrival of a person from Ava, pretending to be a member of the old royal family of Arracan. He was reported to have been accompanied by several armed boats, and the

rampour was so prevalent, that many persons left the place for a time. On sending out a party to ascertain the fact, no traces of either boats or followers were found. Some reports were also current, that the individual above alluded to, had been tampering with the Mugh Levy, to put him in possession of the town, but further inquiry failed to establish the fact in a satisfactory manner. In order, however, to prevent any further misconstruction of the objects of a probably harmless individual, the senior commissioner judged it expedient to direct his departure, and he was sent in the *Sophia* to Chittagong. This measure seems to have had the effect of allaying every apprehension. The experience of the past, and the frequency of aggression and domestic tumult, have inspired the Mughs of Arracan with a degree of credulous timidity, which it will take some time, and the continuance of regular government, to dissipate.

On this, 'The Bengal Hurkaru,' of the 24th, offers the following remarks :

"The Government Gazette," of Thursday, renders an account of the settlement recently made for Arracan. According to this account the revenue amounts to above twenty lacs of rupees a-year, without any imposts on the export or import produce. It consists, therefore, we may conclude, of a land revenue, and of the produce of the salt monopoly. The settlement is said to have been made with the zemindars, upon whom our Government is described as having bestowed a perpetual right of possession in the land, including a right of alienation, sale, bequest, or gift. In short, the Government has raised this class of persons into a landed aristocracy, or has done what Lord Cornwallis did in Bengal between thirty and forty years ago, with this only exception, that the assessment is not perpetual but fluctuating. Under the Burman Government, the state was held to be the only proprietor of the land, and the cultivators are said to have lived "in a state of insecurity fatal to the existence of agricultural prosperity and population."

'With great deference to the respectable and, indeed, talented individuals who have made the settlement for Arracan, we are firmly of opinion that their whole arrangement is founded upon erroneous principles. In the name of patience and good sense, what have such hard words as zemindar, tashkheesee, and talookdar, to do with a British fiscal arrangement in a new country? What is the Persian language to the Mughs? Or why inflict upon them the institutions of the Mohammedan conquerors of the Hindoos, which are just as strange to them, and as inapplicable to their situation, as those of the ancient Etruscans, or more ancient Egyptians.

'By the new arrangement, it appears that the police, and other local officers of the old Government, have, by the fiat of the Commissioners, been declared proprietors of the land to the exclusion of the cultivators, the virtual proprietors, even by the showing of the

Government Gazette itself. We fear, upon examination, it will, in fact be found, that they have done the very thing which has of late years been so much deprecated by the home authorities, not to say by philosophical and speculative writers. In the language of Mr. Mill, when the sovereign power generously sacrificed its own proprietary rights, it should have bestowed those rights upon those "upon whom the motives to improvement which property gives would have operated with a force incomparably greater than that with which they could operate upon any other class of men; they ought to have been bestowed upon those from whom alone in every country the principal improvements in agriculture must be derived, the immediate cultivators of the soil."—"Instead of doing this, the ryots," in the language of the same writer, "have been handed over to the zemindars in gross." This is the very catastrophe which the historian of British India emphatically denounces as a great opportunity lost; if the great opportunity has occurred once more, we ask why this great opportunity has been again lost?

From the unimproved state of Arracan, it is certain that the land-tax imposed is not a tax upon rent but upon produce, and that it must consequently enhance the cost of every necessary of life, and therefore arrest the progress of improvement and the increase of population. This will be easily seen by comparing the area with the estimated population. The former appears to be about 15,000 miles, and the latter about one hundred thousand inhabitants. This gives something less than seven inhabitants to a square mile, instead of 200, 300, and even as far as 600 in some parts of Bengal. In short, not above a sixth or seventh part of the cultivable area of the country is yet inhabited or cultivated. Legitimate rent cannot therefore have commenced in such a country. Its condition can bear no analogy to that of the densely-peopled provinces of Hindoostan, and its system of taxation should therefore be founded upon totally different principles.

The amount of revenue is described to be double the charges of Government. If this be the case, it is quite clear that taxation is carried to twice the length it ought to be. It is probable, however, that this will be found in the sequel as unintentional exaggeration. If it were all land-revenue, or the Arracanese paid in any shape the whole sum, the tax would amount, upon man, woman, and child, to twenty rupees a-head. The semi-savages never could pay so much. It is not improbable that the salt monopoly is really looked to as the principal source of this revenue, and that the wealthier inhabitants of Bengal are speculated upon as the principal contributors to the alleged revenue of Arracan. Such a speculation, however, must proceed in fallacious reasoning. If the quantity of salt brought to Bengal be increased, the monopoly profit upon the old supply will necessarily diminish. If, indeed, salt can be brought cheaper, and of a better quality, from Arracan than any where else, both the Government and the people will be gainers. It is pretty certain, however,

that this cannot be the case. The muddy shores and humid climate of Arracan, it will hardly be insisted, will ever produce salt in price and quality capable of competing with that of the coasts of Coromandel and Malabar, countries peculiarly fitted for the manufacture of the salt. From the latter countries, nay, even from the Persian Gulph, or from Liverpool, the Government may have as much salt as they think proper by the most trifling relaxation of the monopoly. According to this view, the expectation of deriving revenue from a salt monopoly in Arracan, is quite chimerical.

The progress of the Governor-General in his tour is detailed in the following narrative :

We noticed some time since the arrival of the Right Honourable the Governor-General at Subathoo. We have since been favoured with the following particulars of his journey thither.

The Governor-General quitted Meerut on the 12th of March, and proceeding by the route of Moruffeznugger, reached Seharunpore on the 17th, where his Lordship halted a day to receive the visits of a few Native chiefs and principal zemindars, and to inspect the Honourable Company's botanical garden at that station.

The camp crossed the Jumna at Booria Ghat on the 20th of March, and marched from thence through the protected Sikh country, by a very interesting route, skirting the base of the lower range of hills, to the Pinjore valley ; where his Lordship halted from the 27th to the 30th of March, to make the necessary preparations for ascending the mountains.

Durbars were held at Booria, Naraingurb, Munny-Majra, and Pinjore, for the reception of the numerous Sikh Sirdars, and other petty chieftains of the Hindoo or Musulman persuasion, amongst whom the protected territory, between the Jumna and Sutledge, is parcelled out. The four principal Sikh Rajahs of Putiala, Nabeh, Jund, and Kythul, with the hill Rajahs of Hindoor and Belaspore, were introduced at the two latter places.

The Pinjore Doon belongs to the Rajah of Putiala, who has there a beautiful garden, founded originally by a nobleman of the Emperor Akbar's court. The grounds are laid out in a succession of terraces, and command an abundant supply of water from the neighbouring hills, which is carried in a variety of canals and small cascades throughout the whole extent of the garden, putting in play, at the same time, an immense number of jets d'eau.

It having been arranged that the Governor-General should return the visit of Maharaja Karm Singh of Patiala at this place, the Rajah came to his Lordship's camp, to conduct him to the place of interview, where a suite of remarkably handsome tents were pitched, lined with richly embroidered scarlet cloth, and having the ground covered with red velvet, and shawl-carpets. After the usual cere-

monies had been gone through, fifty-one trays, two elephants and six horses, were presented, in return for the khelaat, with which the Rajah had been honoured by the Governor-General.

'The Governor-General commenced the ascent of the mountains from Bar, on the morning of the 31st March, and reached Subathoo on the evening of that day, where the 1st Nusseeree battalion, commanded by Captain Kennedy, was drawn up to receive his Lordship, and the usual salute was fired in honour of the occasion. Lord Amherst and family occupied the house of Captain Kennedy, the commanding officer, and local political assistant, during their stay at Subathoo. On the 1st April, his Lordship held a durbar for the reception of the following hill chiefs, who had assembled at Subathoo, to pay their respects to the Governor-General, viz: the Ranas of Keonthul, Boghul, Baghat, Khotar, Combarsain, Bhujjee, Mulog, Dhamee, Konyar, Bulsun, Beja, Ootraj and Kotk'haee. These chiefs brought with them nuzzers of birds, hill poneys, and articles, the peculiar produce of their respective estates, and each received khelaats suited to their rank and conditions. The following morning, his Lordship reviewed the 1st Nusseeree battalion, and expressed himself highly gratified with the exhibition.

'The Governor-General reached Simla on the evening of the 5th April, at which place excellent arrangements have been made for the accommodation of his Lordship and suite, during the hot months. The bungalows at Simla are situated at an elevation of 7200 feet above the level of the sea, and our accounts speak in the highest terms of the excellence of the climate, the delightful temperature, and grandeur of the surrounding scenery. On the 23d April, the thermometer did not stand higher than 62°, in a room with a sunny aspect; and in the beginning of the month, when the weather was stormy, the mercury, we understand, was often as low as 52° and 54° throughout the day.

'The Governor-General received the visits of the Rajahs of Gurdwal and Bissahur, and Rana of Joobul, on the 14th of April: a complimentary mission from Maharaja Runjeet Singh, of Lahore, had reached Subathoo, and was expected to arrive at Simla on the 25th.'

The following paragraphs are from the same Paper; the first from its Editor, the succeeding ones among its selections from other Indian Papers:

'In the "Bull" of yesterday, a hint is thrown out for the suppression of all future public meetings, for so we must understand the hope which that journal expresses, that a regulation will be framed to place "the right of British subjects to hold such assemblies on a better defined basis than that on which it now rests." On what better basis can the right of meeting be placed than the law of the land? If, indeed, it were a disputed right, or had been held to

be taken away by the construction of some unintelligible statute, then, indeed, not a regulation, but an explanatory statute might be required; but what object there can be in defining an undisputed privilege of Englishmen, except to limit it, or take it away altogether, is quite incomprehensible.

'We have been favoured with a letter from Chittagong, which quotes a letter from Akyab, adverting to transactions that gave rise to some alarm at that place.

'According to a report that for a time obtained some credence, several war-boats, loaded with small arms, had, for some time back, been lurking among the creeks in the neighbourhood of Akyab.

'A person who had come from Ava, and was represented to be a near relation to the Rajah of Arracan, was reported to have been invited by the principal Mughls to head an expedition, the object of which was to wrest the province from the British. It was farther said, that the Mugh Levy were tampered with, but unsuccessfully.

'An officer in charge of the flotilla, after a fruitless search of three days in the Burmah war-boats reported to be lurking near Akyab, returned without observing or hearing of any trace of them. The individual alluded to as the supposed leader of the plot, had quitted Akyab by order of the Commissioner; his presence there at the juncture when a good deal of (in all probability) causeless anxiety was afloat, being deemed inexpedient.'

'A mutiny of a serious nature broke out on the 6th instant, at the Cavalry Station of Mominabad, in the Nizam's territories. This information is conveyed in letters from Hyderabad. The commanding officer received one-and-twenty wounds, three of which were from pistol-shots, the rest sabre-cuts. The other officers had narrow escapes. Fortunately, the mutiny was confined to about half a squadron of one regiment, and they were immediately charged by the rest of their own regiment, and by another which was drawn up on parade. The mutineers were cut to pieces, with the exception of five or six who were taken prisoners, and four or five who escaped. It is said that the cause of this unfortunate affair was some innovation as to shaving. The surviving mutineers who were taken were to be tried immediately. The commanding officer, at the date of the letters from Hyderabad, was still alive, but thought to be in a very precarious state. Since writing the above, we have heard of Major Davies's death.'

'Two more very extensive fires took place last night; one apparently in the Burra Bazar, and another, of very great magnitude, in the direction of Chowringhee, was raging at two o'clock this morning.'

One of the Native Newspapers of Bengal had been discontinued for want of adequate support; on which 'The Government Gazette' had endeavoured to force the inference, that the Natives of India

were not yet in a condition to appreciate the value of newspapers, and that it was absurd to force them on their acceptance. If that Editor were in London, he would see that not a single month, nay, scarcely a single week, passes in which newspapers, daily or weekly, are not given up for want of adequate support. 'The Representative,' 'The British Press,' 'The Pilot,' 'The Statesman,' each of which had lasted as long as, and many much longer than any Native paper in India, are now no more. But does any one infer from this, that the people of England do not appreciate newspapers, or that they are forced on their acceptance? The Editor of 'The Hurkaru' has the following remarks on this subject :

'The Government Gazette' of Monday, in announcing the cessation of 'The Shems al Akhbar,' whose Editor, finding it an unprofitable task, has "determined to repose on the couch of conclusion," tells us that the Native papers "owe their institution rather to a precarious imitation of English manners than to the wants of the people." In about a hundred years, he thinks, they may expect to receive sufficient support at the seats of the Indian Government; and by that time their readers will have acquired sufficient discernment to separate the true from the false, and duly to estimate "party misrepresentation and ridiculous pretension." If these qualifications are requisite for newspaper readers, it is to be feared that Europeans are not much in advance of the Natives; at least their discernment cannot be rated very high by a journalist who writes a long article about the innocence of King Ferdinand. The horror which 'The Government Gazette' entertains of European institutions being prematurely forced upon Indian practice is well known, and sufficiently accounts for the opinion that Native newspapers are not wanted. They are, perhaps, not sufficiently well conducted at present to afford the quantity of useful information of which they might be made the vehicles; but even in their present infantile state, it may be doubted whether they are not equal to those which flourish in some of the more civilized parts of the world, and especially in the dominions of that innocent monarch of whom 'The Government Gazette' is the self-constituted defender.

The following paragraphs relating to Asam, the Punjab, Chittagong, and Ellichpore, are from 'The Government Gazette' of June 14th :

'From Asam, we learn that the course of inquiry has been latterly prosecuting to the eastward, in the country of Bor Kamptis, at the head of the Kyenduen river, inhabited by a people who speak a language similar to that of the Siamese. The latest advices from the travellers in this direction, are dated the 2d May, from a place called Phakhong, the last village on this side of the snow. On the 1st of May, they crossed a stream called the Duffa Pahoe, about eighty yards in breadth, being conveyed across in a kind of cradle, suspended on two canes, and drawn by a third. They also crossed

from the right to the left bank of the Dehong on the same day on a raft. They had experienced heavy rain the whole of the way. The passage of the Langtan mountains, at which they had arrived, was expected to occupy ten days. This ridge is topped with perpetual snow; where it was to be crossed, the snow was reported to be a foot thick, and as solid as ice. We are sorry to learn, that the Abors, on the Dehong, continue to show little inclination to assist in the exploring of that river, and there seems little prospect of undertaking it successfully, without their concurrence or co-operation.

We have been favoured with advices from the Punjab, which, although of an earlier date than the Akhbars, contain some particular details. Runjeet Singh was at Amritser, where he arrived on the 6th of April, travelling in his tonjolin by easy stages. He encamped in the Rambagh, a garden formed by him some years ago, in the centre of which stands a stately edifice richly decorated with mosaic work, like that of the Taj at Agra, removed from the tomb of Jehangir, at Lahore, the spoils of which have contributed to the embellishment of several buildings erected by the Sikh chief. While in the Rambagh, the son of Yar Mohammed Khan, the ruler of Peshawer, arrived—he is described as a handsome boy, of a fair complexion, about 12 or 13 years of age; he was attended by about a dozen persons, who all presented nuzzers. On the part of his father, the lad presented twenty-four horses, all fine animals, although rather out of condition after their journey;—a horse of great celebrity, Laili, is said to have died upon the road. The Rajah, however, suspects this not to be true, and his officers in Peshawer have orders to secure the animal at any risk. He seems more anxious about the horse than the government of Peshawer, which Yar Mohammed is allowed to retain. Runjeet Singh has lately admitted a Mr. Mœvius, a Prussian, into his service; he has now six Europeans, and one Indo-Briton, attached to his army; the latter commands a regiment of cavalry. Of the Europeans, five are French. During his stay at Amritser, the Rajah repeatedly reviewed several of his regular battalions, who were encamped on the plain in front of Govind Gesh, a fort built by Runjeet, and supposed to be the depository of his treasures. The battalions, commanded by the French officers, remained in the neighbourhood of Peshawer, and were expected to continue there for some time. The religious enthusiasm excited against the Sikhs, is far from being abated, notwithstanding the defeat of their leader, and may yet give the Rajah no inconsiderable trouble. The utter want of resources, however, as well as military skill, on the part of the Mohammedan insurgents, leaves no doubt of the result.

From Chittagong, we learn that the dawk was laid on Lieutenant White's new route from Chittagong to the Cantonments at Ackyab round the head of the Naaf, on the 16th ultimo, and that the dawks have hitherto travelled speedier by it, than they ever did by

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the old road. The dawk that left Ackyab on the 28th of May, at 4 p. m., although continual heavy rain was experienced, reached Chittagong at 4 a. m., on the 2d instant, and Calcutta on the 7th, which is five days quicker than it ever travelled before at the same season of the year. Two companies of the 52d regiment Native infantry, put into Cox's Bazar, a few days since, on stress of weather, and one of the sloops having been disabled in a gale that was experienced on the Arracan coast, the detachment landed, and marched from Gurjinhia to Mungdoo, by this new route, with perfect facility: an officer also has lately travelled the whole route, to Ackyab, making two marches a day, which renders it probable that a high military road is practicable, and would be productive of much advantage. The new route from Mungdoo to Chukereeah, was only commenced the 1st of March last. It is twenty-four feet wide, and upwards of eighty miles in length, with bridges over every nullah for the dawks: many miles extend through immense forests of valuable timber, whose trunks are chiefly twelve feet in circumference, and seventy feet in height. There has been very creditable diligence, therefore, used in its preparation. We have given insertion to a letter upon Lieutenant White's claim to the discovery of the above route, in justice to that gentleman, but shall decline any further correspondence on the subject. We have no wish to question the merits of others, but, as already observed, the road has been made by Lieutenant White, and, we are fully satisfied, without his being indebted to any other person.'

'We have received the following communication from a Correspondent at Ellichpore: "Intelligence having been received of the return of Shaik Dullah to his old haunts near the fort of Narnulla, a small party, consisting of one havildar and eight troopers of the 5th regiment Nizam's cavalry, stationed in that fort, proceeded on pursuit, and after a march of ten coss, succeeded in surprising the Shaik's party, and capturing twelve horses, a number of spears, pistols, swords, &c. The Shaik's famous grey mare was also taken, the fleetness of whose paces has so often enabled the free-booter to elude the most close pursuit. Two of the party were wounded, and taken prisoners, and the Shaik himself escaped by plunging on foot into ravines, where the mounted troopers could not follow. The above-mentioned fine mare is now the property of Captain Rideau, commanding the regiment."'

The following information relative to China, and some of the northern states of Hindoostan, are from 'The Government Gazette' of July 2:

'We have received Penang Gazettes to the 12th of May, and the 'Malacca Observer' of the 10th of April. From the Chinese news contained in the latter, it appears that the rebellion in Tartary is far from suppressed, and supplies and reinforcements, to a great extent, are required by the army. In an engagement, near Aksu, the leaders

of the rebels are reported to be annihilated, not one of them having escaped; his imperial Majesty anticipates, therefore, that the advance of the army to Cashgar and Yarkand will not be a matter of difficulty. In an article, dated Canton, there is a description of his Majesty, which is rather curious, if actually contained in any public record: "The Emperor," it says, "is now in his 46th year. In early life he was passionately fond of martial exercises, archery, horsemanship, &c.; to increase his muscular strength he took medicinal preparations, called strengthening pills, which occasioned the loss of his teeth. He is tall, lank, hollow-cheeked, black-visaged, toothless, and, consequently, prominently chinned."

Maharaja Runjeet Singh.—Advices from the Killadar of Khairabad, stated his having sent Ashref Khan, the Sirdar of the Yusef Zeis, as prisoner to Atok. The son of Yar Mohammed Khan having attended, was told that his father was relieved from his government of Peshawar, and that he should come to the presence as soon as he had an opportunity. On hearing of the approach of the Captain Sahab with the presents from the Governor-General, the Maharaja asked Dr. Murray if the Captain was skilled in military affairs; to which the Doctor replied, that all English gentlemen were, according to their tastes, conversant with military matters. On the 20th, two French officers, who had come from Herat, arrived, and were admitted to an audience.

Gwalior.—No change had taken place here to the 25th of May. On that day, Hindu Rao reported to the Bai that the several Sirdars who were expected from Berhampore, had arrived within fifty coss, and orders were given to prepare for their reception.

Poonah.—The Resident of Hyderabad received letters from Raja Chundoo Lall, stating that the Newaub was residing in one of the minister's gardens at Gagrahi Ghat, near Tahinpur, and the cholera was raging with indescribable violence at Hyderabad. Vast numbers had left the city in alarm, and taken up their abode in the country, at the distance of six or seven coss. Chundoo Lall had employed five hundred Brahmins to expel the malady by prayer and sacrifice.

Oude.—A violent gale occurred at Lucknow on the morning of the 2d Zikada, in which the minar of the mosque of the Moti Mahul, and the golden bastion of the palace of the Begum, were blown down, as were no fewer than thirty-one minars in various parts of the city. On receipt of the intelligence of the death of the Royal Highness the Duke of York, the nuobet knana was silent for three days, and sixty-four minute guns were fired. His Majesty putting on mourning, paid a visit to the Residency.—*Jami Je Numa,*

The same paper, of the 5th of July, contains the following paragraphs:

Advices from Gwalior, of the 19th instant, announce the e

tion to the musnud of Mookt Rao, son of a distant kinsman of the late Dowlut Rao Sindhia. Previous to his being placed upon the throne, he was adopted by Baiza Bai, on behalf of her late husband, and married to her youngest grand-daughter. He takes the titles of Maharaja, Ali Jah, Junkajee, Rao Sindhia, Behader. His installation took place on the 18th. We hope to give some further particulars of this event in our next.

' *Bengal Club.*—We understand that the preparations for commencing proceedings are now nearly completed, and that every thing will be ready in a few days more. It is in contemplation, we understand, if it should be found convenient to the Right Honourable the President, to hold the first general meeting on Friday, the 13th instant, when those members who are residents will be invited to dine together. Due notice will be given them.'

' We are happy to learn that Captain Dawson, of the late ship *John*, reached town yesterday evening, he and the rest of the crew who were left on the wreck having been brought off by the boats of the outward-bound ship *Woodford*. Two men alone were unfortunately lost. The *Nereide Yacht* passed the wreck on Tuesday, when the lower mast-heads were just above water. We understand that the vessels at the Sand-heads have experienced very severe weather.'

' By the return of the brig *Guardian* to this port, we understand, the copy of the ratified treaty with Siam, bearing the seals of the king and the six ministers, has been received. Captain Burney, the late envoy, landed at Queda on the 14th of last May, where he had an interview with the son of the Raja of Ligor. He thence proceeded to Trang, where he met the Raja, to whom he delivered the ratified copy of the treaty, with which he was charged, and received in return that which has been now brought round. We have been favoured, on this occasion, with some further topographical and commercial details, which we shall take an early opportunity of laying before our readers.'

One of the most interesting proceedings, of which these Papers contain any account, is that of a meeting held in Calcutta, to do honour to the memory of the late Marquis of Hastings. The following is a report of the meeting, from 'The Government Gazette,' of July 9, 1827 :

' A most numerous and respectable meeting of the inhabitants of Calcutta, convened by the Sheriff, was held this forenoon at the Town Hall, for the purpose of considering the best mode of paying a tribute of respect to the memory of the late Marquis of Hastings.'

' The Sheriff read the requisition to the Meeting, upon which Sir Charles Grey was voted to the chair by the Honourable Mr. Bayley.

' The motion being unanimously acceded to, Sir Charles Grey took

the chair, and in an impressive and feeling manner, dwelt upon the virtues of the illustrious deceased—concluding with the resolution :

‘ That this meeting, strongly impressed with feelings of veneration for the memory of the Marquis of Hastings, Governor-General and Commander-in-Chief of India, during an eventful period of nearly ten years ; with gratitude, for the blessings of his just and glorious government, and admiration of his great and virtuous character, are anxious to transmit to posterity a memorial of their affectionate attachment and respect, by the erection of a public monument.

‘ Seconded by the Honourable Mr. Bayley.

‘ Colonel Bryant, in an animated and able address, of which neither our time nor space admit of giving any detail, adverted to the splendid public character and private virtues of the lamented Marquis. If it should be proposed, he said, that a monument be erected in the cathedral of Calcutta—or in any church at home—he would decidedly object to it, as he was anxious that the monument should be so situated, that the Natives of this country, who so deeply revered the Marquis of Hastings, should have ready access to it. He concluded by proposing, That a structure be raised in this metropolis, worthy of the illustrious object of our respect, and forming an appropriate receptacle for the statue already voted to him by the people of India, on his relinquishment of the government of this empire.

‘ Mr. Wynch seconded the resolution in a speech replete with eloquence, and in which he took a rapid but discriminative and forcible view of the Marquis of Hastings’s career.

‘ Colonel Bryant’s resolution was unanimously adopted.

‘ Colonel Bryant next proposed,

‘ That the Committee, formerly appointed to superintend the erection of the statue voted by the inhabitants of Calcutta, be requested to carry into effect the aforesaid resolution.

‘ The motion being acceded to, the Hon. Mr. Bayley proposed, that the following gentlemen should be added to the Committee :

‘ Sir Charles Grey, Colonel Bryant, Captain Forbes, Mr. Wynch, Mr. Young, Mr. Palmer, Captain Caldwell, Mr. H. T. Prinsep, Hon. J. Elliott.

‘ Sir Charles Grey proposed, that Mr. Bayley’s name be added. These propositions being agreed to—

‘ Proposed by Colonel Bryant, and unanimously acceded to by the meeting,

‘ Resolved, That a book be left open at the Town Hall for subscriptions, and that Messrs. Colvin and Co., the former Treasurers, be requested to continue their services for the new fund.

‘ Resolved, That where the feeling of the Natives and inhabitants

of India towards their benefactor may even extend beyond the limits of this Presidency, their contributions, in common with those of the inhabitants of Calcutta, whether large or small, are equally indicative of affection and respect, and as such shall be received.

‘ Proposed by Captain Caldwell, seconded by Colonel Bryant, and carried,

‘ That a copy of the resolutions of the inhabitants of the metropolis of British India, expressive of their veneration for the memory of the late Marquis of Hastings, be transmitted to his son, the inheritor of the honours of his illustrious father, in testimony of their affectionate attachment and respect for their late lamented Governor-General and Commander-in-Chief.

‘ The thanks of the meeting were voted to the Sheriff.

‘ Mr. Wynch then proposed the thanks of the Meeting to the honourable Chairman, which was seconded by Mr. Bayley, and carried amidst great applause.

‘ The meeting then dissolved ; but before we quitted the Town Hall, the following sums were already subscribed :

| | Rs. | | Rs. |
|------------------------------|-----|----------------------------|-----|
| Sir Charles Grey - - - - | 500 | Captain Macan - - - - | 200 |
| Mr. W. B. Bayley - - - - | 500 | Mr. Palmer - - - - | 200 |
| G. Money - - - - | 300 | Mr. Bracken - - - - | 200 |
| Mr. W. J. Hogg - - - - | 300 | Mr. Plowden - - - - | 100 |
| Captain Hickey - - - - | 100 | Mr. Beecher - - - - | 100 |
| Lieutenant-Colonel Bryant - | 500 | Dr. Strong - - - - | 100 |
| Mr. E. Barnett - - - - | 100 | Mr. Master - - - - | 100 |
| Major-General Pine - - - - | 200 | Mr. Millett - - - - | 100 |
| Brigadier O'Halloran - - - - | 100 | Major Hodgson - - - - | 200 |
| Mr. Chester - - - - | 200 | Baboo Dwarkanath Thakoor - | 200 |
| Colonel Mouat - - - - | 300 | Mr. H. Shakespear - - - - | 100 |
| Mr. Paxton - - - - | 500 | Sir John Franks - - - - | 200 |
| Colonel Macleod - - - - | 300 | Sir Edward Ryan - - - - | 200 |
| Captain Caldwell - - - - | 500 | Mr. J. Grant - - - - | 100 |
| Mr. Wynch - - - - | 300 | | |

The following is the promised communication of the Government Editor on the subject of Gwalior and its affairs :

‘ We noticed in our last the elevation of Mookt Rao to the principality of Gwalior, by the title of Jankojee Sindhia, and we are now enabled to offer some further account of the occurrence.

‘ The adoption of a son by the late Dowlut Rao Sindhia, was a measure often proposed by him during his life, but deferred from time to time by the conflicting claims of different candidates, and the opposing influence of the Maharaja's confidential advisers. His known intention, however, and the necessities of the state, imposed the performance of this act upon the widow ; who, agreeably to the principles of Hindoo law, is empowered to adopt for her husband after his decease, if in previous possession of his authority to that

effect. Although, however, the arrangement was resolved on, it was not so easy to fix upon the particular object; as, amidst the numerous branches of the Sindbia family, from which alone the heir could be with propriety selected, none were of any immediate proximity to the deceased Rajah. The common ancestor of this house, Changojee Sindhia, the grandfather of the individual who first obtained political distinction, Ranojee Sindhia, had three sons, from the elder of whom Dowlut Rao was the seventh in descent. The next of kin was the sixth in descent from the second of Changojee's sons; but this person, named Peerajee, a farmer in the Dekhin, being of mature years, was unfit for adoption, and the persons who were eligible for that purpose, were the sons of individuals still further removed. Of these, the five nearest in succession were invited to Gwalior, where they arrived on the 29th of May; and, after some discussion of their pretensions, the choice of the Bai was directed to Mookt Rao, the son of Patloba, a person the eight in descent from Changojee, through the third of his sons, and residing in camp upon the humble allowance of eight or ten rupees a month. Mookt Rao is about eleven years of age, small, but well-made, dark complexioned, lively, and intelligent. He can read and write a little, and ride on horseback,—a more meritorious acquirement in Mahratta estimation. His horoscope is also said to be highly favourable, and the marks on his person indicate his being destined to command. With all these circumstances in his favour, the popular voice fully confirmed the election of the Bai; and the 18th of June was the day fixed upon as most propitious for the performance of the ceremony of his installation.

‘ On the Saturday previous, the chiefs and ministers were assembled at the durbar, when the intentions of the Baiza Bai to adopt and place Mookt Rao on the musnud, were publicly announced, and the opinions of the assembly were asked. Not a dissentient voice was heard, and all expressed their warm concurrence in the measure. The pundits were then consulted as to the legality of the lad's marriage with the youngest grand-daughter of the late Maharaja, and pronounced sentence in its favour.

‘ On Sunday, the adoption and marriage ceremonies took place; the father of the lad making over all right to his son to the Bai, and confirming the donation by pouring water from his hand upon hers. On Monday, at day-break, the young Rajah elect and his bride proceeded in state through the camp, mounted on the same elephant, and, after having paid their devotions together at a particular temple, they returned to the palace, where the ceremonial was completed by the Bai embracing the boy and her grand-daughter, and placing one on each knee.

‘ In the mean time, all the ministers and principal sirdars were assembled in durbar, and when the auspicious moment, announced by the astrologers, arrived, Hindu Rao conducted the boy from the inner apartments, and leading him to the British Resident, who, with all

his suite, was present, requested him to place the young Rajah on the musnud, which he accordingly did, and a general discharge of artillery and masketry proclaimed the occurrence to the camp.

'Immediately after Mookt Rao was seated, the Resident presented a splendid khelaat to him, and one for the bride, on the part of the Governor-General. Trays were presented also, on behalf of the Bala Bai, as well as by the Senapati and by Raghunath Rao, on the part of the Rajah of Dhar. The different individuals present then offered their respective nuzzers, which continued till about twelve o'clock, when the young Raja, being completely overcome with fatigue, was allowed to retire to repose. The heat of the day, and the crowded state of the durbar, rendered the ceremony particularly oppressive to much older individuals.

'Mookt Rao takes the title of Jankojee Sindia, after the gallant chief of that name, who was killed at the celebrated battle of Pan-niput. The Baiza Bai will continue to act as Regent, until the young Rajah attains years of discretion.'

The following paragraphs of general news are from the Paper of the same date :

'On Thursday morning last, the Honourable J. H. Hartington, Esq. left town, under the salute due to his rank, for the purpose of joining the Honourable Company's ship *Repulse*, in which he proceeds, by way of China, to England. The Civil Service loses in him one of its oldest and ablest members, and the natives of India one of their best friends.'

'*Arracan.*—We have been favoured with the perusal of an original letter from Akyab, dated the 3d instant, from which we have made the following extract: "Notwithstanding the late tempestuous weather, and the very heavy falls of rain that we have experienced in this quarter, the dawk from Calcutta reached us this day, by Lieutenant White's new route, in less than nine days, which is quicker than any express ever arrived before in the most favourable weather. Lieutenant ———, who has lately marched over this road, assures me, that although it has been only opened as a dawk route, it is equal to any military road in Bengal: and that it only requires wooden bridges to allow of wheel-carriages travelling by it with perfect facility, and as there is no want of excellent timber, these can be erected with comparatively trifling expense."

'*Nepal.*—By letters from Nepal, of the 29th of June, we understand the young Rajah has been relieved from the restrictions to which it is customary to subject the princes of that country, who, until they reach their 13th year, are not allowed to appear in public, and take amusement and exercise entirely within the palace, except on particular occasions, as the celebration of a marriage, or similar solemnities. The present youth having attained the prescribed limit, the 29th of June was fixed upon by the astrologers as propitious for

the commencement of his public career; and, accordingly, on that day, he visited, in procession, the temple of Pasupati Nath, and other holy shrines in the vicinity of the capital. He then returned to the palace, where he held a durbar, and received the usual compliments and presents from the officers of his court. He will henceforth appear and take his diversions more in public, but will not, of course, exercise much political authority.

'It appears from the Native papers that the affairs of the Punjab are nearly settled, and that Runjeet Singh has nothing further to apprehend from the discontent of his Mohammedan subjects, whose ill-directed and worse conducted insurrection, have only led to the extension of the authority of their Hindoo ruler. The leaders of the holy war could have hoped to succeed only by the decided and combined support of the chiefs of Kabul and Peshawer, both of whom have suffered the opportunity to escape by the neglect of timely co-operation; and have paid the penalty of their impolitic and desultory efforts by the loss of their country and independence. They will be restored, it appears likely, to their nominal dignities, but they will be, henceforth, little else than the dependents and officers of Runjeet Singh, whose dominion now extends from the Settle to Candahar.'

Bangah Club.—We observe it intimated, that the proceedings of this association commence on Friday next, the 18th, with a dinner, at which, we understand, the Right Honourable Viscount Combermere, as patron of the club, will preside.'

Native Papers.—Kabul.—Advices from this quarter to the first of June, give reason to expect that the disturbances are about to be suppressed by the dispersion of the rebels. One of the leaders, Nur-al-din, with about 5000 men, applied to Yar Mohammed Khan, the late Governor of Peshawer, for pecuniary aid, but was told by him that he could not help himself, much less give assistance to others; upon which he marched off towards Khairabad, where the governor will, no doubt, soon give a good account of him. It is not known what has become of Maulavi Ibrahim, and Maulavi Abdul Hy. About 200 of the men of Naushereh, who had been attached to the party of the Mauvali, returned to their homes, and upon expressing their contrition, and paying a fine of five rupees each, were allowed to resume their usual occupations. Budh Singh, with the Sikh army, was master of the country. Shaker Ali, the chief of the Yusef Zeis, had come into camp with letters from Dost Mohammed Khan, and Prince Kamran, and been dismissed with a dress of honour. Thirty Sirdars of Kabul had paid the money demanded of them, and received complimentary dresses. Habib Allah Khan, the son of the late Mohammed Azim Khan, and the chief cause of the subversion of the Afghan state, had an interview with Budh Singh, and been similarly invested. Terms had, in fact, been settled with Dost Mohammed Khan, and the army only remained until he had made good the stipulated payments. The battalions

of the French officers had been directed by Budh Shah to return to Lahore, and the rest of the army, it was expected, would immediately follow as soon as arrangements were completed for the regulation of the country, and collection of the revenues. Budh Sinh had given 5000 rupees to Piran Shah Durvesh, to erect a mosque and a habitation for himself.

'Maharaja Runjeet Sinh.—The Maharaja continued at Amritser to the 1st of June. Letters from the chief of Sindh were presented, complaining that the Sikh troops had plundered some of his territory; to which it was replied, that he had done wrong in giving aid to the Mohammedan insurgents. The son of Yar Mohammed Khan having proffered to pay tribute on his father's part, if he was restored to his authority, was told to have patience, and be contented, and Nazer Murad Ali, who accompanied him, should be allowed to return forthwith to Peshawer.

'Gwalior.—Advices from hence extend to the 1st of June, to which date the Baiza Bai transacted business daily. On the 31st of May, the Resident had an interview with her Highness, and pressed upon her the necessity of selecting one of the children of the Poonah chiefs, recently arrived in camp. Kaldeo Khan reported, that at Jaipur, an old Bairagi, above a hundred years of age, the head of an establishment, had assembled about seven or eight thousand mendicants of his order, whom he fed for two days; on the third, he dug a pit, in which he placed the seat of his predecessor, and delivering over his own pillow to his spiritual successor, Sivannath, he announced in a loud voice that this year would be agitated by public calamities, and then entering the pit, the Byragis present, by his desire, buried him alive. The Wakil of the Rajah of Kerani reported, that his master had left his habitation in consequence of the prevalence of cholera in the neighbourhood.

The loss of the ship *John*, on her entry into the Hooghley, is thus detailed, from the journal of her commander, and is published in 'The Hurkaru,' of the 9th of July, as authentic:

'Friday, June 29, 1827.—At four p. m. Palmira Light-house bearing W. S. W. five or six leagues; when about to haul up to the N. and W. to come to anchor, sighted a brig at anchor, bearing about E. N. E.; bore up and steered towards her, making signal for a pilot; about six p. m. abreast of brig, and hailed her requesting a pilot; was answered in the negative by saying, there was another brig under canvass bearing N. E. by E. who would give me a pilot; was asked ship's name, and if there were any more ships; I replied, that I believed there were several from Madras: this ended our communication with her. Set foresail and steered as directed in quest of the other brig; standing on about one hour or a little more, got sight of her bearing from us E. by N. about one and a half miles distance. Showed a light and was answered; came up and rounded too, under her lee, hailed her, saying, I was directed by the other brig

to have a pilot from him; was asked ship's name, then said he would go a-head, carry a light and take me to a pilot, was thanked, and bore up; in course of 20 to 30 minutes passed me carrying a light; steered after her.

After a short time the brig showed a blue light, and was answered by another some distance to the eastward of her. In 15 to 20 minutes after came up abreast of another brig at anchor, was hailed by her, and requested to follow the brig a-head that was carrying the light, as that was my pilot; I answered her, and proceeded on, light being then a good way ahead; about nine P. M. came up with her very suddenly, coming close under her lee, she being hauled up a little to the northward, her foretopsail down, and apparently blowing out as if split. Pilot hailed me, and requested me to shorten sail and haul close to the wind, carrying a good light, and he would come on board in the morning. At that time it was blowing hard and a heavy sea on; I answered, very well, and instantly complied with his request, hauled up the foresail and furled it, &c. in fourth reef maintopsail, ship being under only two close-reefed topsails and foretopmast staysail, and hauled close to the wind, heading up N. W. by W. to N. W. by N.; a short time after she passed a-head of us to windward, and going a-head at a greater rate than we could keep up under the present canvass, consequently set the fore-trysail. A few minutes after 10 came up with him abreast of his lee, not near enough to see what canvass he was under: finding ourselves passing, brailed up fore-trysail; mustered all hands and rounded ship too, to await his coming up and go a-head as before; at midnight pilot showed a light bearing about two points, on the weather quarter, S. by E. by compass, &c. On seeing his bearing not altered nor distance augmented, was led to conceive he was brought too, also. We continued keeping a good look out for him when he should make a light, same time keeping a constant good one ourselves, and not having less than seventeen fathoms water, felt perfectly easy he would be up along-side of me by daylight, &c. At three A. M. he showed his light, bearings and distance much as before.

When daylight appeared no sight of the brig; waiting till eight A. M. with great anxiety, and then nothing to be seen of him from mast-head, wore ship to the southward, and filled the topsails, heading up S. to S. S. E. nearly the same direction his bearings of light were seen, having regular soundings as laid down in the chart, keeping a mast-head look out, momentarily expecting to sight the brig. In this way stood on till past meridian, finding the water shoaling to nine fathoms hard sand. Wore ship to the northward, it blowing very hard and a heavy sea, we could not attempt to anchor. I had no doubt but the anchors would bring the ship up, but when that had been the case, I could look for nothing but that the decks would be perfectly swept of boats and crew, and that the ship would fill immediately: on tracing the different courses, drifts and soundings, compared with the chart, they clearly pointed out that we were on the

S. W. edge of the western sea-reef, and the tide of flood beginning to make, and my situation being pointed out, saw it would not do to stand to the northward, wore round to E. and South as directed by Horshburg's instructions; when so, our water seven fathoms for 15 to 20 minutes, then quarter less seven a few casts; then six, which also agreed with the chart; presently five fathoms, ordered the helm hard a-port, and hauled close to the wind; the sentence was barely finished, when, on the next cast of the lead, the ship struck in three fathoms; one minute had not elapsed from her first striking before she was completely bilged; cut away the anchor to keep her bow from drifting, that her quarter might beat round to form a lee side to get the boats out, which turned out so. No time nor possibility of getting up tackles; hooked on the two main lifts abaft and fore one forward. Carpenter cut away the gangway, bore her stern out, water enough on lee side of deck to float her; crew jumped in before she was off the deck, cut the rope and instantly drifted from the ship, without the means or possibility of returning. The same time the seamen were getting out and into the launch, my officers cut away the jolly-boat from the quarter, and also went away, leaving on board the wreck the master, two gentlemen passengers, and six seamen, two of which, James Ferguson and Francis Staunton, jumped overboard to swim to the boats, they being only about a cable's length off, but did not reach, being drowned. Fourteen minutes only elapsed from her first striking to the boats being cut away from the wreck. This was done when master was getting out a compass that had a cover, to go into the boat; mean time steward taking out some bottles of beer and spirits &c.; in space of twenty minutes boat out of sight from the poop. Instant death was momentarily looked for by each individual. I began to concert measures to prolong life as long as possible, seeing that in a few minutes more she would go to pieces; every following sea breaking her up, the poop-deck being the only place that held out any prospect, to endeavour to save that as much as possible became my object at the moment, and I encouraged the seamen if possible to cut away the lee mizen rigging and all ropes that had any connection with the poop, and to do it instantly before she turned over. In eight or ten minutes that was completed with one sailor and one table-knife, all the tools we could muster among us: a few minutes more she turned over; we then got on the side, lashing ourselves, and commenced cutting away the weather rigging; when done the mast remained until a tremendous sea broke on us, the mizen-mast fell, the heel of ditto cutting of the poop-deck from the other part as completely as if it had been sawed; poop then became upright, and drifted instantly away from the other part of the wreck; in ten minutes lost sight of the wreck. This took place about half-past 5 or 6 o'clock, $3\frac{1}{2}$ to 4 hours from the time ship struck; between 7 or 8, the sea began to break on us in such a way that it took away one of our number, the steward, Thomas Silva, carrying away at the same time all the

leeside of the poop, and part of the topside a little below the tiller block, through which the chains were rove, which prevented its separation from the piece we were upon, and, by the blessing of God, proved to be the saving of our lives.

Before midnight, the poop-deck began to break away in single planks on either side; seven or eight in the middle seemed to remain together more secure, owing to the beams under them, whereon two of our number had themselves secured, (one seaman, and one gentleman passenger, Lieutenant Warren.) About 3 A. M. it was separated entirely away from the after-beam, where it had for some time only depended; the seaman asked me, if I proposed coming with them or remaining where I was. I replied, that it would make but little difference on which piece we remained, for, to all appearance, we should not want them long, but I proposed staying by the largest piece of the wreck as long as possible; with that they drifted away out of our sight, apparently westward of us; by break of day we found we could no longer stop on the piece we were on, every successive sea breaking it up, and thus could not keep our hold of it. With many struggles we got on the side of the poop that was hanging alongside by the tiller-chains, cut the strop of the block, and got clear of the after part of the wreck we were on before, which drifted presently away towards the S. E., judging by the wind, which I supposed to be at S. W.; by 7 or 8 A. M. wind moderating, began to clear away, got sight of a vessel's masts; my fellow-sufferers seemed to doubt it for the moment, but the sun breaking out, we clearly saw a ship at anchor, and the tide setting us towards her, which increased our joy and hope of deliverance from our situation, but being up nearly to our middle in water when clear of the passing sea, we had nothing to elevate for the ship to see us; began to break off the lining boards, six feet long, to erect; found a fowling-piece, which, with the length of the ramrod and a handkerchief, we held up as high as possible, with the butt on our shoulders alternately. Mr. Teevin, the passenger, took off his shirt, and also bent it to a plank board; by about ten or eleven o'clock the ship observed us, and instantly hoisted her colours, what we had been so eagerly looking for; about one P. M. the boat reached us! our feelings here cannot be described; they picked us up, and took us on board the ship *Woodford*, Captain Chapman, who, with the passengers and officers, received us humanely, and treated us in the most generous and hospitable manner.

When we came on board the *Woodford* we had the account of the two who separated from us on the piece of poop-deck at three in the morning, after having drifted away about three hours: a sea upset the piece of wreck they were on, and I am sorry to state Lieutenant Warren, who could not swim, sunk, and never reappeared: the seaman recovering got again on the wreck, securing himself, and drifting towards the ship *Woodford*, was discovered,

The cutter-boat was at this same time taking us off the pier we were on as previously mentioned; they hoisted out their launch instantly, picked him up and took him on board. This ship, by the kind Providence of our Almighty God, was the saving of five of the unfortunate sufferers.

The following paragraph of news from Singapore is from the same Paper :

'The *Resource* brings a report that a serious riot had taken place at Singapore, amongst the Chinese inhabitants, in consequence of the imprisonment of one of the principal merchants of that nation, Chi-sang; the military were called out, and some of the European Artillery are stated to have been killed. The Governor, whose presence shed such happiness over the island, had re-embarked, and was living on board the *Cambridge*, not thinking his truly valuable life safe amongst these terrible Chinese. We need no longer wonder that they should be refused permission to land at Penang.'

The following paragraphs of general news are from the '*Bengal Hurkaru*,' of the 13th and 14th of July :

'Private letters inform us, that the Right Honourable the Governor-General, the Countess Amherst, and Lady Sarah Amherst, left Subathoo on the 25th of June by dawk; were expected to rest at Kurnaul on the 29th, and to proceed to Meerut the next day.

'The Supreme Court was crowded at an early hour yesterday morning, to hear the judgment of the bench as to the registry of the Stamp Regulation. Their Lordships delivered their judgments as we had anticipated they would do, seriatim, having first committed them to writing; and we regret to announce that the bench were unanimous in deciding on the registry of the Regulation; though on some very essential points connected with it, Sir Edward Ryan differed from the Chief and Puisne Judge, viz. on the right of petitioners against any regulation to be heard by counsel against the registry, and on the power of the Court to judge, not merely of the non-repugnancy, but the expediency, of any regulation submitted for registry.

'A very rare and valuable Oriental manuscript (the "*Tymoor Nama*,") was yesterday (July 13) disposed of, at Messrs. Leyburn and Co.'s auction, among the property of Mr. Moorcroft; it is unique for its splendid illuminations. The work is not complete, the first volume being in the possession of the King of Oude; the title-page is in the hand-writing of Shah Jehun, and it realized 450 rupees.

The following account of the proceedings of the meeting held at the Town Hall, on the morning of July 18, 1897, in pursuance of Resolutions previously published, is from the '*Government Gazette*' of the following day :

'At a meeting of the Committee for erecting the statute and

monument in honour of the most noble the Marquis of Hastings, held this day at the Town Hall, present,

| | |
|--------------------------|-----------------------|
| The Hon. Sir C. E. Grey, | Capt. Caldwell, |
| The Hon. W. B. Bayley, | Capt. N. Forbes, |
| Henry Shakspear, Esq., | James Young, Esq., |
| P. Wynch, Esq., | A. Colvin, Esq., |
| T. A. Prinsep, Esq., | Wm. Prinsep, Esq., |
| Lieut.-Col. Bryant, | The Rev. James Bryce. |

The Hon. Sir Charles Grey having been requested to take the chair, stated, that his engagements in Court would prevent him from remaining during the proceedings of the Committee, when the Hon. W. B. Bayley was solicited, and agreed to act as Chairman.

The following Resolutions were then moved, and unanimously adopted:

1. That an application be made by the Committee to Government for a suitable piece of ground, in some public and conspicuous situation, on which to erect the proposed building.

2. That application be made in the meantime, by the secretary, in the name of the Committee, to gentlemen residing in the country, soliciting their support and subscriptions; both from the Europeans and Natives, and that the principal authority at each station be requested to remit the amount to the treasurers.

3. That Government be respectfully requested to give permission for the proceedings of the general meeting and Committee being forwarded free of postage to the principal civil and military officers at each station in the interior.

4. That the Committee will be thankful to any gentlemen who may be pleased to favour them with plans, &c. of the proposed monument; and they request such gentlemen to communicate on the subject with either of the secretaries.

5. That Captain Caldwell be requested to act as a joint secretary, and to open a correspondence with gentlemen resident in the country.

6. That the proceedings and resolutions be translated into Persian, Bengallee, and Hindoostanee, for the purpose of general circulation among the Native inhabitants under this Presidency.

7. That the next meeting of the Committee shall take place at the Town Hall on the first Monday of November.

8. That the proceedings of this meeting be published for general information.

The amount subscribed at the close of this meeting was 12,571 rupees, or about 1250*l.* sterling.

The Bombay Papers are as barren as usual of interesting information. The most remarkable thing we find in them is the following document put forth by a certain member of the Parsees,

named therein, as to some religious dispute, which is eminently curious. It is as follows :

‘ The undersigned members of the Committee of the Shersayan branch of Parsees, feel great reluctance in trespassing on the time of the public, but they feel that reluctance in a more powerful degree as it respects the valuable time of those honourable public functionaries to whom the subject will have a reference.

‘ The subject has already been before the Indian public in the Native newspapers and other Native publications, and so far as regarded the faith and interest of those whom it particularly concerned, it perhaps might be excuseable.

‘ The subject of the dispute arose from the circumstance of a Dostoor having privately communicated his design of publishing a book relating to the Kubbees. An editorial and public remark in the Bombay Summachar compelled him to compile the work : however it was candidly and respectfully urged to the advocates of the other side to withhold the refutation of the work above alluded to, through periodical papers, and it was pointed out to them that such a proceeding would have the effect of stirring up the feelings of the Parsee nation. They, however, heard in vain, and instead of a temperate and sincere discussion to enlighten the people and arrive at the truth through the medium of every person's own understanding, the main points in dispute were overlooked, and a violent and irrational style of writing adopted in the newspapers. Subsequently, they invited and excited (with the malevolent design of taking advantage thereof ultimately) those who were entirely inclined to withhold discussions of a religious nature, which affect the feelings of thousands. The original language of an old book was misinterpreted in such a manner has the subject of contention been handled, whenever the progress of truth has made an impression in favour of the Shersayans proved as that truth has been from ancient authorities the natural course of histories, and particularly by the admission of the fact by the opposite party. It was then that the chief advocate of the Chariguryans upon the slightest pretence declined discussing any more in the public papers, and even refused to show the books which he cited as his own evidence, and which he previously offered to the public to lend for their perusal and satisfaction even to a distance of 2000 miles.

‘ It is painful to the Shersayans to remember these things, but the notice of the Chariguryans, in the shape of an advertisement, in ‘ The Bombay Courier ’ of the 7th of July last, * has much attri-

* Signed by
Mullah Feroz-bin Canna,
Cussetjee Ardarsahur,
Jhangeer Ardarsahur,
Framjee Cawajee Banajee,

Banajee Byramjee,
Mody Sorabjee Vacha Gatty,
Cussetjee Cawajee,
Cawajee Banajee,
Fordonjee Limjee,

prised and shocked the religious feelings of the Parsee nation. What, are the Churiguryans unable to maintain their opinion by the force of reason and understanding? Are they not yet satisfied by the very documents which have been produced in the evidence of their own allegations? Will it be believed, in the ancient provinces of Persia, that the Churiguryans are obliged to submit their holy differences to arbitration? Or, can a man of common sense for a moment believe that the holy and religious difference is to be determined by an arbitrator? The Shersayans are entirely fearless as to whose hands the matter shall be submitted; but upon the heads of the Churiguryans, and of their children to the very latest generation, let such a submission rest! Let them reflect what they are about; let them also, at the same time, submit to arbitration the truth of our holy and ancient religion! Where is the difference between one submission and the other? But such an offer of submission is easily seen through; the Churiguryans, 700 in number, are opposed by the Shersayans, 40,000 in number! Such a majority would have its due weight with men of learning and philosophers. Amongst all sensible nations and people, the majority constitute the law.

The Shersayans do not fear the result of any inquiry, as the numbers of authorities on both sides have strengthened them to argue and elucidate the truth which they maintain and believe. The appeal to our honourable and enlightened governor they receive and hail with pleasure and satisfaction, and submit with cheerfulness to the decisions of so enlightened and good a man. Let the Churiguryans then nominate their arbitrators, if they are serious in such reference; let them fix times and place of meeting; let them prepare a petition to select the umpires. Upon what books, or authorities, or evidence, are they to decide? Are they to be the ancient histories of our nation, or are the books to be of a religious, or what other descriptions? Are the French, English, or Latin, or Persian, or Arabic authorities, to be received or rejected? In short, by what kind of evidence is the question to be determined? Should the Churiguryans fail in the plan they proposed for settling the serious matter at issue, let each party send an humble memorial, with all documents, to one of the learned Universities in England, for the justification thereof.

All these matters the Churiguryans will have the kindness and condescension to explain, that every previous difficulty may be removed, and that the light of reason and truth may meet with no

Hormojee Dorahjee,
Hormojee Muncherjee Camma,
Hormojee Dadabhoy,
Dossabhoy Aspendearjee,
Ruttonjeeshaw,
Muncherjee Bdujee,
Framjee Jevajee,

Pestonjee Rustumjee,
Khodabux Merwan Eranie,
Namdar Javid Eranie,
Hormojee Eduljee Cammujee
Pestonjee Bhicajee,
Sapoorjee Nasserwanjee, and
Byramjee Rustumjee.

O

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barriers or impediments in its progress to the hearts and understandings of our judges.

For the benefit of those persons who are uninformed as to the nature of the dispute in question, the undersigned beg to state, that both the Shersayans and Churiguryans admit the existence of the Kubbeesa, or Intercalation; with this difference, that the former maintain it was purely a religious observance, and the latter allege that it was an intercalation of one month, at the end of every 120 years, to enable the Government to collect the revenue, and keep the harvest on a regular and equal footing. Now, if it was, as the Churiguryans assert, merely for the collection of revenue, it stands to reason, that there could have existed no objection to the doing so every four years.—And we beg to subscribe, Sir, your most obedient servants,

Eduljee Dorabjee Sengana,
Eduljee Dorabjee,
Hormasjee Bomanjee,
Nasservanjee Novrowjee,
Pestonjee Novrowjee,
Bomanjee Hormasjee,
Jahangheer Nasservanjee,
Nowrojee Nasservanjee,
Cursetjee Rustomjee,
Cursetjee Manackjee,
Vencajee Mehrjee,
Jamsetjee Jejeebhoy,

Jahngeerbhoy Framjee,
Keikhusroo Sorabjee,
Hormasjee Dhunjee,
Dadabhoi Mervanjee,
Hormasjee Bhicajee,
Jeegebhoy Dadabhoi,
Dinshaw Eduljee,
Framjee Bomanjee,
Pestonjee Merjee,
Muncherjee Furdonjee,
Dosabhaee Sorajee,
Dorabjee Nursunjee Putell.

DEBATE AT THE EAST INDIA HOUSE.

Wednesday, December 29, 1827.

THIS day, a General Quarterly Court of Proprietors was held at the India House.

The minutes of last Court having been read,

The CHAIRMAN read the Resolution of the Court of Directors, declaring the interest of the Company's stock, from the 5th of July last to the 5th of January next, at 5½ per cent, which was confirmed.

GRANT TO CAPTAIN THOMAS BUCHANAN.

The CHAIRMAN informed the Court, that it was made special for the purpose of submitting for its approbation a Resolution of the Court of Directors, granting to Captain Thomas Buchanan, of the Bombay Marines, 800*l.* per annum. Previous to putting this motion, the Chairman wished to say a few words to the General Court, on the grounds on which it had been brought forward; and he begged to assure the Proprietors, that it was not in any way because Captain Buchanan had not performed his duty well, but because his Majesty having been graciously pleased to approve of the Lord High Admiral's proposition, to grant to the Marines a relative rank with his Majesty's navy, it was thought best to select a careful, able, and skilful officer of his Majesty's navy, to carry into effect this mark of Royal favour. He was extremely happy that this mark of

Royal pleasure had been obtained for the Bombay Marines; and it would be unjust to supersede a gentleman, not because he was not perfectly competent to fulfil the duties of the office, but because the Court of Directors had thought it beneficial to have the Bombay Marines placed on an equal footing with his Majesty's navy. Had Captain Buchanan been allowed to continue in the service, he would have saved a sum which would have enabled him to purchase, in this country, an annuity of 800*l*.

Captain MAXFIELD wished to ask one question. The motion did not set forth any other claim of Captain Buchanan to this grant, than his disappointment in seeing a Navy officer appointed to the office he expected to hold. He wished to know how long he had held the situation of Superintendent of the Bombay Marines?

The CHAIRMAN answered, for two years.

Captain MAXFIELD said, it appeared to him that this grant was given for two years' service, as well as for the disappointment which Mr. Buchanan felt. He wished to know whether this appointment had been given to Mr. Buchanan after or before application had been made to the Lord High Admiral for a change of system. Looking at the inefficient state of the Bombay Marines for a long time past, he should have thought that the corps would have done better without any Superintendent at all; and the disgraceful state in which that corps had been sent to Ava, afforded sufficient grounds of censure. For all the reasons he could see for the present grant, he thought it might be just as well 8000*l*. as 800*l*. He should, therefore, though he might stand alone, oppose the motion.

The CHAIRMAN stated, that Mr. Buchanan had received the appointment in 1825. With respect to the inefficiency of the Bombay Marines sent to Ava, he thought, if they really had been inefficient, Sir James Brisbane (now, unfortunately, no more) would not have said that they vied with his Majesty's navy.

Captain MAXFIELD wished to know, whether an application had not been made to the Board of Control in 1823?

The CHAIRMAN understood that Captain Buchanan had been appointed long before the present arrangement had been entered upon. The Directors had, without doubt, long wished to obtain that right for the Marines for which their endeavours had at length been successful.

Mr. HUME wished to say a few words, not so much to the amount, as to the grounds of the grant; for, if disappointment was to be considered a sufficient ground for a pension, there was scarcely any gentleman in their service but might come forward with such a complaint. He thought it most extraordinary that the Court should be called upon to grant a pension of 800*l*. per annum for scarcely two years' service, when there were many Captains (his friend, Captain Maxfield, for instance) who retired on the small pittance of 290*l*. a year, after twenty-five or thirty years' service. He thought that the present motion was made at a bad time, when the Government in India were almost bankrupts, and the Company's expenditure exceeded its income; and he thought it would have been better for the executive of the Company to provide for Mr. Buchanan by appointing him to the first vacant office in India suitable to his rank. He thought it surprising to grant a pension of 800*l*. to a person who had only served two years; and he hoped his hon. Friend would take the sense of the Court on the present motion.

The CHAIRMAN, in answer to some observation of Mr. Hume, stated

that the appointment to the office of Superintendent of Marine rested entirely with the Directors, subject only to the approval of his Majesty's Government.

Mr. GAHAGAN had at first thought, that, as the arrangement had been the result of mutual convenience, it had been settled that an officer of his Majesty's navy should serve in the office, from which Mr. Buchanan was to be removed. It, however, appears that such is not the case, and that the appointment rests entirely in this Court; and we are told that Captain Buchanan was to be removed, not because the Crown required it, but this Court. If Mr. Buchanan had accepted the office with the understanding that there was something in progress which might subject him to be removed, the matter would then be intelligible; but to tell a gentleman that he should fill an office for two years, and then he should be turned out, seems to me a course of proceeding quite inexplicable, unless it were adopted to gratify Charles Malcolm or John Malcolm. How did Sir Thomas Monro act when he wished to abolish the offices of some Judges? He gave the Judges no pension, but told them to wait till some office was vacant for them. That was acting upon an intelligible principle.

The CHAIRMAN stated, that it had been thought necessary, when naval rank was obtained for the Marine service, that the Superintendent should possess naval rank, which Captain Buchanan did not; but he would state again, that the appointment to that office was entirely in the hands of the Directors, subject only to the approbation of Government. He thought it would be very severe to dismiss Captain Buchanan without suitable remuneration, who had filled his situation so satisfactorily. With respect to appointing him to another situation when vacant, such as the Master-Intendant of Madras, he must inform the Court that there was no situation to which Captain Buchanan could be appointed which would not be lowering him from his present rank; and such appointment would not be received by him as any favour.

General THORNTON knew nothing of the merits of the case but from what he heard to-day, and that decided him against the motion. He knew nothing of the salary, or of the age of Captain Buchanan, and these things were essential in judging of the propriety of the grant; but he thought that the motion had better be worded that he might receive this income until called to fill some active situation. Under all circumstances, he thought it his duty to oppose the motion.

The CHAIRMAN replied that the salary of the Superintendent was 3,500 rupees a month. His age might be about forty-five or fifty years.

Mr. WEEDING was of opinion, that as the intended removal of Captain Buchanan took place in consequence of a change in the Company's system, it was but fair that he should receive a compensation for such removal, and not for any disappointment; and he gave credit to the Directors for having so managed the arrangement as to keep the power of appointing the Superintendent in their own hands.

Mr. HUME said he had an amendment in his hand to the motion before the Court; but, previous to moving it, he would notice the observations which had fallen from the hon. Proprietor who had just sat down. The hon. Gentleman was certainly unfortunate in not having heard what had been stated by the Chairman, who had supported the motion on the ground of the disappointment which Captain Buchanan would feel. The hon. Proprietor had said, that disappointment was no ground with him for agreeing to the motion, and he could not tell how they both contrived,

on such opposite principles, to come to the same conclusion. When he (Mr. Hume) first went to India, Mr. Anderson was then Superintendent of the Marine, and he thought it no disgrace, after filling that office, to be removed to Madras to become Master-Intendant, as Captain Buchanan might be, there.

The CHAIRMAN stated, that Mr. Anderson was never Superintendent, but Marine Storekeeper.

Mr. HUME asked whether the Court was going to pension Mr. Buchanan, because he was too old for duty? Captain REES, an excellent friend of his, was not thought too old at the age of sixty-four to be appointed to the situation of Master-Intendant of Madras. The hon. Proprietor concluded by moving the following amendment: 'That this Court disagrees with the Resolution of the Court of Directors for granting a pension of 800*l.* per annum to Captain Buchanan, Superintendent of the Bombay Marine, but recommends him to be appointed to the first vacant office in India suitable to his rank.'

Captain MAXFIELD, in rising to second the amendment, wished to offer a few observations to the Court. Mr. Anderson, after having served as Superintendent, did not think ———

The CHAIRMAN believed that Mr. Anderson was not Superintendent, but Naval Storekeeper.

Mr. WERDING stated, that Mr. Anderson had been Superintendent, but that after retiring from service he was reduced to poverty, and he was induced to enter the service again.

Captain MAXFIELD said, that when Mr. Anderson resigned, he was universally regretted by the officers of his corps. After remaining some time in India, he was appointed to the Master-Intendancy of Madras, a situation equal, as to rank and emolument, to that of Superintendent of Marine. The duties were a mere nothing, and these were in reality performed by a boat-master. He objected to pensioning officers when they were removed without solicitation. It had been thought proper to pension off the Marine Secretary in Calcutta with 500 rupees, and two secretaries were appointed in his place, so that now the Company had to pay the salaries of three secretaries.

Colonel STANHOPE said, that the grant could not be sanctioned but upon one principle, that of corruption. The fact of the matter was, that there is an understanding that Mr. Buchanan is a brother-in-law of Lord Melville. (Cries of 'No.') There he may be wrong. He objected to the grant in all its bearings. In the first place, he thought it highly improper to appoint a captain of an East Indianman to a place at the head of the Bombay Marine. How would the British Navy like to have one of their high situations filled by the captain of a British merchant vessel? He objected to giving a pension of 800*l.* for only two years service; but independent of all objections, he doubted whether the Directors, in point of law, could make the present grant. They could only make grants for the duration of their Charter, and he remembered that Mr. Canning, when at the head of the Board of Control, refused to sanction a grant which extended further than the term of the Charter. It was now near its expiration; therefore, in granting this annuity for the life of Captain Buchanan, they were clearly acting without legal authority. The gallant Colonel concluded by stating, that he considered it a job, and nothing but a job.

The CHAIRMAN said, insinuations had been thrown out that undue influence had been used in obtaining this grant from the Directors. All he could say was, that nothing in the way of solicitation had ever reached him till this morning, when he received a letter on the subject from the brother of the gentleman who had been appointed to the office of Superintendent, (as we understood,) stating that the pension was too small.

Colonel STANHOPE said, that if no direct solicitation had been made, still a feeling of interest would operate on the minds of individuals, and induce them to act in a manner which they might think likely to be advantageous to themselves.

The motion was then put, and, on a division, was carried in the affirmative; the numbers being for the original motion, 38; against it, 12.

STAMP REGULATIONS IN CALCUTTA.

Captain MAXFIELD wished to know whether the Court of Directors had received any papers from India respecting the Stamp Regulations.

The CHAIRMAN begged to inform the gallant Officer that the Directors had not received, by any means, full or satisfactory information with regard to the matter which formed the subject of his motion. They had not yet heard whether the act had been registered or not.

Captain MAXFIELD then said he intended to offer a few observations on the delay of the Company's Government, in neglecting to transmit information on such an important subject.

The CHAIRMAN stated that they had no advices from Calcutta later than the 6th of July.

Captain MAXFIELD stated, that the state of the subject at Calcutta was such, that it would soon find its way to the Papers.

The CHAIRMAN wished to know of the Honourable Proprietor if he intended to finish with a motion.

Captain MAXFIELD answered in the affirmative. He observed, that it was strange the Directors had not received the information necessary to meet the present motion, although they could not, perhaps, from what had been transmitted to them, be enabled to meet it with so much advantage to themselves. He then proceeded to remark on the opposition which was made, at the instance of the Government in India, to what was called 'pernicious publicity.' They prevented meetings from being called, at which the evils under which the people laboured might be stated. Leave to call a meeting must always be obtained, and if the object of it were not agreeable to the Government, it was of course prevented. Very different, however, was the case when the meeting was intended to eulogise any public functionaries. With respect to the tax imposed on stamps, and against which the inhabitants of Calcutta had so justly petitioned, he presumed it must be in order to justify it that a necessity for imposing it existed. Now, it had been stated formerly, that there was a surplus of revenue above the expenditure of the Government. If that was so, and the statement was not one merely intended to gull the public, there must have been an increase of expenditure since that period. If a decrease were made in the amount of expenditure, that would supply any deficiency which might at present exist, and remove the necessity of imposing this odious tax. It was unnecessary for him to state how, for the last twenty years, the imports into India had tended greatly to ruin the trade of India. The Court might depend on it, the Danish, French and Dutch would gain no less than the Americans did by measures which, like the stamp regula-

tions, so injuriously affected the trade of India. British capital and British bottoms had enriched the Americans; and it was the plain fact that houses and land in Chinsurah, Serampore, and Chandernagore had already increased in value. He would now read the petition of the British merchants in Calcutta, which he trusted would meet with proper consideration from this Court. (The honourable Proprietor here read the petition, for which see the '*Oriental Herald*' for October 1827, page 7.) That petition, signed as it was by a great number of gentlemen of known respectability and tried loyalty, was worthy of, and he trusted would receive, that consideration which its importance deserved. The honourable Proprietor then proceeded to argue, that if the revenues of India were deteriorated, if the expenditure were greater than the receipt, there were other modes of making up the deficit, much better than the introduction of this odious and unproductive tax. The honourable Proprietor then instanced a great number of useless offices which might be abolished with profit and advantage,—offices, many of which had been created for temporary purposes, but which were still continued after the circumstances that had given rise to them had long ceased. He contrasted the conduct pursued by the Parliament of this country with that which had lately been adopted in India. Parliament had, to a great extent, taken off the stamp duties on law proceedings in England, while the constituted authorities were extending the stamp duties in India. He called upon the executive body to follow the bright example which had been placed before them by Parliament; and concluded by moving, 'That this Court, with reference to the recent act of the Legislature abolishing the use of stamps in certain legal proceedings in this country, recommend the Honourable the Court of Directors to take into consideration the effects produced by the levying of stamp duties in India, and to issue such orders on the subject as may appear best calculated for the attainment of justice, and most congenial to the public interest.'

Mr. Hume said, that in seconding the motion, he did so on grounds very different from those laid down by his gallant Friend. In his opinion it was a matter of great importance, both in this country and India, to get rid of stamp duties which bore so heavily in various ways on the people. It was on this broad principle that he wished the stamp system to cease. But he must say, that the petitioners who had been alluded to had no right to expect that Calcutta should be especially exempted from a burden which prevailed over other parts of India. The persons who now complained against the tax never once opened their mouths in favour of the natives of India generally. The petitioners did not act upon principle. They looked only to their own interest. They were dormant until their pockets were touched, and then they started into life. When individuals were banished without trial—when the liberty of the Press was overturned, they were silent; but they considered that their own petty, paltry interest, when once assailed, was sufficient to rouse and disturb the whole community. The hon. Gentleman eulogised the present Lord Goderich for having, when Chancellor of the Exchequer, removed stamp duties to the amount of 300,000*l.* from law proceedings where the poorer classes of the community were more immediately affected, because he felt that it would be highly beneficial to the people; and he (Mr. Hume) wished that the inhabitants of Calcutta had taken the same strong and immovable ground, instead of the paltry one of partial interest which they had selected. Had they acted on a proper principle when they allowed individuals to be banished without trial, and the free-

dom of the Press to be destroyed? Did they act on general principle, when they permitted those individuals to be sacrificed who came forward to protect it? Instead of defending them, which, as men and Britons, they ought to have done, they basely, and to their eternal disgrace as a community, deserted them, and left Mr. Buckingham, single-handed, to defend himself both in India and in this country. The cases of Mr. Arnot and Mr. Buckingham,—the case of every man banished without trial and unheard, ought to have been their case. If they had upon those occasions come forward on principle, and acted as Englishmen, they would no at this time have been trampled on by the very people whom they had formerly supported. They allowed two or three individuals to be sacrificed, when defending these great rights; and they now came forward on the paltry principle of profit, and appealed to that Court to relieve them. But, for that appeal they had no plea—the regulation, intended only to extend to the wealthy community of Calcutta the same stamp duties on commercial and other proceedings which have for years, been borne by the Natives in the interior; and he (Mr. Hume) saw no reason why Calcutta should be exempted. If there were taxes, they ought to make them just, to be general. He lamented the introduction of these stamp duties in the commercial affairs of India. The honour of the Natives, in regard to their confidence in commercial transactions in many instances, was scarcely conceivable to Europeans, and he had received a letter lately, from a principal Native, deploring in moving terms these new stamp duties, as being likely to excite suspicion, and to root up the principle of honour which before often existed in the breasts of the Natives. The hon. Proprietor argued at some length, that both in a financial, political, and moral view, the abrogation of the stamp duties in India was greatly to be desired. Such a proceeding would tend to increase every branch of commerce, and would prevent those heart-burnings and jealousies which must proceed from the increase of litigation and law proceedings under a different system. He strongly censured the Directors for sending out their order relative to the stamp duties so secretly and suddenly. The statute declared, that an order of this nature should be sent out in a public despatch, for the purpose, it was evident, of letting the merchant know exactly the situation in which he stood. This had not been done, and the neglect to do so was, as in this country, he contended, contrary to law. It would appear from this measure, that their treasury was at a very low ebb, as the Chief Secretary, in his answer to the memorial of the inhabitants, had stated, "that the necessities of the Government compelled them to lay on new taxes;" and if such were the fact, it could only have been caused by the grossest misgovernment and extravagance. They would shortly be called upon, at the expiration of their charter, to declare what they had done for the benefit of the Natives of India, and he believed it would be found that they had done nothing to protect their rights and privileges. The hon. Gentleman then appealed to the Proprietors to exert themselves to endeavour to put an end to the system of oppression and misrule which at present prevailed in India. A day of reckoning would come, when it would be asked whether the Indian Government had suffered all the privileges of Englishmen to remain untouched, and unencroached upon. The answer to that inquiry must be, "not one!" The Public Press, the liberty of the subject, the independence of the Judges,—all had been assailed, all annihilated! In conclusion, the hon. Proprietor hoped that a report which he had heard would prove not correct,—namely, that

the Judges at Calcutta had consented to sanction those Stamp Regulations, which were so obnoxious to the feelings of the people of India.

Mr. S. DIXON thought that, in the absence of official information, the Court of Directors ought not to have been called on to entertain this question to-day.

The CHAIRMAN said, the Court of Directors had advices from Calcutta, dated no later than the 21st of June, and the question of registration was to have been entertained in the Supreme Court on the 6th of July. Of the result of that proceeding they knew nothing. This debate was, therefore, rather premature; and he felt it to be his duty to move the previous question.

Mr. PATTISON seconded this motion.

Colonel STANHOPE suggested, that the public interests would be best served by letting the original motion stand over to the next Quarterly Court.

Captain MAXFIELD said, that under these circumstances he would not press his motion.

The motion was then put and negatived.

IMPRISONMENT FOR DEBT IN INDIA.

Colonel L. STANHOPE, after adverting to the extremely defective state of the law in India with respect to the relief of persons imprisoned for debt, and pointing out the horrible oppression to which they were at present exposed, moved the following resolutions, in which are embodied the principal features of his speech:

1. That a petition, dated February, 1827, from the debtors in the great jail in Calcutta, presented by Mr. John Palmer, and recommended by the magistrates, merchants, agents, and shopkeepers of that city, to the Vice-President in Council, is entitled to the attention of the Court of Directors.

2. That it appears by the petition, that in 1812, 100 debtors were liberated from Calcutta jail under the operation of the Insolvent Act, one of whom had been in that hot jail for 18 years; but that when, in 1813, this act was made permanent in England, it was not extended to British India.

3. That 14 years had since elapsed, and though the Court of Directors had extended the spirit of the Insolvent Act to the provinces of British India, still debtors in the metropolis of the three Presidencies (under the laws of England) are yet doomed to perpetual imprisonment. Thus one prisoner has been fourteen years, two have been twelve, and one has been eleven years, in the sultry and offensive dungeons of Calcutta.

4. That this Court doth, therefore, humbly recommend to the Court of Directors, to use all their influence in order to extend the Insolvent and Bankruptcy laws to British India, and to aid in establishing there, as in London, a society for the relief of unfortunate debtors, the operation of benevolent exertion being, in truth, the only palliative applicable to the present system of English procedure.

Mr. HUME observed, that in the last Session of Parliament the attention of the President of the Board of Control had been called by him to the situation of unfortunate debtors in India, and he had promised, if

the Insolvent laws did not extend to India, to bring in a bill on the subject. He was desirous that, by the interference of the Court of Directors, debtors in India might be placed on the same footing with debtors in Canada. He thought it would be premature to press the motion until the intentions of the President of the Board of Control were known.

The CHAIRMAN hoped the gallant Colonel would adopt the suggestion of the hon. Gentleman who had just spoken. He could assure him that all persons connected with the Indian Government were as feelingly alive as he himself was to the evils resulting from the present state of the law on the subject. The gallant Colonel was wrong in supposing that the debtors discharged from Calcutta jail were released under the operation of the Insolvent Act. They were released by the Government, who had a discretionary power to discharge persons confined for debts under a certain sum.

After a few words from Mr. Stuart and Captain Maxfield, Colonel Stanhope withdrew his motion.

SUSPENSION FROM OFFICE OF AN INDIAN JUDGE.

Colonel LEICESTER STANHOPE gave notice, that he would at the next Quarterly Court move the following resolutions:

‘ 1. That this Court of Proprietors has heard with regret, that Mr. Courtenay Smith, Chief Judge of the Supreme Native Court in Bengal, has been suspended from his office for having expressed the following opinion,—namely, that “as suits appealed to the authorities in England are decided by them after many years, and as the period of the Honourable Company’s charter will shortly expire, and as, after the expiration of the term of the present charter, it is uncertain whether it will be renewed, or the government of the country will be assumed by his Majesty, in my opinion the security of the Government is such as cannot be accepted. But as this is an uncommon circumstance, it requires the concurrence of another Judge.”

‘ 2. That Mr. Canning, when President of the Board of Control, acted upon the same principle as that for which Mr. C. Smith has been condemned,—the former having refused to sanction a pension which extended the grant beyond the period of their charter.

‘ 3. That the conduct of the Government in suspending this most upright Judge for expressing his honest opinion, is calculated to corrupt the fountain of justice in British India; and that Mr. C. Smith, in laying down the rule of equity, and protecting the weak from the strong, has done his duty, and deserves the approbation of this Court.’

BURMESE WAR.

Mr. HUME asked, whether the commission which had been appointed at Calcutta, on the complaint of Dr. Tytler, to inquire into the truth of the statements made respecting the improper manner in which the troops had been sent to, and provisioned in, Arracan during the late war, had made any report, and if so, whether there existed any objection to its being produced?

The CHAIRMAN said, that as he had received no notice of the hon. Gentleman’s question he must decline answering it.

Mr. HUME said, that he would, on a future occasion, submit a motion on the subject.

THE NATIVE LANGUAGES.

Mr. HUME, after a few prefatory observations on the great importance of a competent knowledge of Hindoostanee to all persons proceeding to India in an official capacity, moved the following resolution: 'That, as the Court of Directors did, on the 4th of November, 1818, declare it was highly desirable that all persons proceeding to India, in the Company's service, should obtain a knowledge of the Hindoostanee language before their departure, this Court do recommend the Court of Directors to carry their resolution into effect, and allow no Cadet to proceed to India until, on examination, he should be found sufficiently grounded in the rudiments of the Hindoostanee. He then appealed to Colonel Baillie, and others within the bar, of the importance of that knowledge.

Captain MAXFIELD seconded the motion.

The CHAIRMAN said, he felt it his duty to move the previous question on a motion of such importance, brought on at so late an hour, and without notice.

Colonel STANHOPE supported the original motion.

Colonel BAILLIE contended that it was by no means necessary to the efficient discharge of duties in India that functionaries should be well versed in the Native languages. He was, himself, an instance of a man in the military profession, as the hon. Member for Aberden was of one in the medical profession, going out to India without any knowledge of Hindoostanee, and obtaining, in a few months, sufficient acquaintance with it to enable him to discharge all his duties efficiently.

Mr. HUME replied, that the gallant Director was wrong in supposing that he had proceeded to India without any previous knowledge of Hindoostanee. He took care to commence that language before he went out.

The original motion was then put and negatived.

THE CARNATIC DEBT.

Captain MAXFIELD gave notice, that at the next Quarterly Court he would submit a motion respecting the Carnatic debt, with a view to its liquidation.

Colonel STANHOPE gave notice, that at the next Quarterly Court he would move that all papers relative to the Stamp Regulations be laid before the Court of Proprietors.

The Court then adjourned at four o'clock.

CIVIL AND MILITARY APPOINTMENTS, PROMOTIONS, AND CHANGES, IN INDIA.

[B. signifies Bombay—M. Madras—and C. Calcutta.]

- Axford, Richard, Capt., furl. to Europe, expired April last.—C. July 3.
 Ackers, T. P., Lieut., permitted to retire from the 30th Dec. 1825.—C. July 3.
 Apperley, Lieut., 4th Light Cav., to act as Interp. and Quart.-Mast. during the indisposition of Lieut. Lowth.—C. July 2.
 Alexander, W. F., Ens., app. to do duty with the 50th N. I., at Allahabad, instead of the 57th N. I.—C. July 2.
 Arding, Cecil, Ens., 58th N. I., to be Lieut., v. Turner, deceased.—C. June 25.
 Anson, F., Lieut. and Adj., 18th N. I., on furlough to Benares.—C. June 22.
 Alexander, William Ferguson, Ens., to do duty with 57th N. I., at Poreahabad (Oude).—C. June 25.
 Apperly, H., Lieut., 6th N. I., on furlough to Benares for health.—C. May 11.
 Annaley, W. R., Ens., posted to 4th N. I.—M. June 30.
 Anderson, Alexander, Capt., furlough expired in May.—M. June 1.
 Alexander, J., Sen. Cornet, 7th Lt. Cav., to be Lieut.—M. June 5.
 Anderson, R., Surg., posted to the 30th N. I.—M. June 16.
 Athill, Lieut., Acting Revenue Surveyor of Bombay and Salsette, on the departure of Capt. Tate.—B. August 3.
 Ainalle, P. C., Lieut., of H. M.'s 4th Lt. D., Aid-de-Camp to the Com. in Chief, prom. June 12, v. Lieut.-Col. Rainey, resigned.—B. August 3.
 Bell, J. H., Lieut., 11th N. I., 1st Assist. to the Military Auditor-General, on furlough to Calcutta.—B. July 24.
 Biscoe, J. W. E., Lieut., furlough to Europe, expired last April.—C. July 3.
 Beatty, Francis, Lieut., furlough to Europe, expired.—C. July 3.
 Bryre, Alexander, Dr., permitted to practise, and to succeed as Assist.-Surg.—C. July 3.
 Baker, John, Mr., permitted to practise, and to succeed as Assistant-Surgeon.—C. July 3.
 Beattie, Assist.-Surg., temporarily to do duty with the Cawnpore Div. of Artill.—C. June 25.
 Bingley, Lieut., Horse Artill., appointed to do duty with the Recruits attached to the Riding Depot at Dum Dum.—C. June 30.
 Bellow, Henry W., Lieut., 56th regt., to officiate as Dep. Assist. Quart.-Mast.-General, from 3d April.—C. July 2.
 Benson, W., Lieut., Interp. and Quart.-Mast., 4th Cav., permitted to do duty with the 2d Light Cav., at Muttra, until 15th Sept., then to proceed to his regt.—C. July 2.
 Beck, J. H., Ens., to do duty with 67th N. I., at Dinapore.—C. June 25.
 Bainbridge, Thomas Drake, Cavalry Cadet, to do duty with 9th Lt. Cavalry, at Cawnpore.—C. June 25.
 Blake, Muirson Trower, Mr., admitted Cadet.—C. June 6.
 Broadfoot, William, Mr., admitted Cadet of Cav.—C. June 6.
 Buchanan, William Miller, Mr., admitted Assist.-Surg.—C. June 6.
 Barber, James, Mr., admitted Assist.-Surg.—C. June 6.
 Baker, F., Cornet, Cav., rank assigned from 14th Nov., 1825.—C. June 8.
 Boyd, Robert, Ens., 65th N. I., on furlough to Europe, for one year.—C. June 8.
 Barret, William, Mr., admitted Veterinary Surg.—C. May 14.
 Badenach, Walter, Capt., furlough to Europe expired.—C. May 14.
 Brind, Frederick, Lieut., furlough to Europe expired.—C. May 14.
 Burgess, George, Capt., 5th Light Cav., on furlough to Bombay, and ultimately to Europe for health.—C. May 14.
 Backman, St. Jasper, Assist.-Apoth., to join the detachment at Chingurah.—C. May 11.
 Babington, C. H., Ens., posted to 43d N. I.—M. June 30.

- Bond, F., Capt., Artil.,** on furlough, to Bangalore.—M. June 30.
- Brady, G., Sen. Lieut.,** 33d N. I., to be Capt., v. Drew, prom.—M. June 8.
- Bell, J., Col., 9th N. I.,** on furlough to sea-coast for health.
- Babington, C. S., Ens.,** 15th N. I., on furlough to Trichinopoly, for health.—M. June 21.
- Brown, John Read, Lieut.,** permitted to return to duty.—M. June 1.
- Brett, J. T., Sen. Cornet, 7th Lt. Cav.,** to be Lieut.—M. June 8.
- Byng, J., Lieut., 6th Lt. Cav.,** to join and do duty with detail of that regiment at Arcot.—M. June 4.
- Brice, E., Lieut.,** rem. from 3d batt. to 2d Horse Brigade.
- Briggs, J., Lieut.,** rem. from 42d N. I. to 31st or N. L. I.—M. June 21.
- Bell, Mr.,** appointed Registrar of the Vice-Admiralty Court, v. Henry Coates, proceeded to Europe.—M. June 16.
- Bell, C. C., Capt., 34th N. I.,** on furlough to Europe for health.—May 27.
- Bury, W. S., Senior Lieut., 2d Lt. Cav.,** to be Capt.—M. May 29.
- Bernard, J. P., Second Lieut.,** posted to 3d batt. Artil.—M. May 12.
- Caldecott, C. M., Mr.,** to be Assistant to the Magistrate and to the Collector of **Ahmadabad**.—C. June 28.
- Catton, H. P., Cornet, 7th Lt. Cav.,** to be Lieut., v. Veyals prom.—C. July 6.
- Carpenter, G., Brig. at Cuttack,** appoint to the command at Delhi.—C. July 2.
- Collin, John, 1st Lieut.,** on furlough to Europe for health.—C. June 27.
- Chambers, F. M., Capt., 3d N. I.,** on leave of absence at Calcutta.—C. June 22.
- Cockney, F., Ens., 26th N. I.,** on fur. to the Presidency for health.—C. June 22.
- Couran, J. W., Ens.,** posted to 64th N. I., at Agra.—C. June 25.
- Cuddeff, W., Ens.,** posted to 36th N. I., at Sultanpore (Ouda).—C. June 25.
- Christian, Hugh Holmes, Mr.,** admitted Cadet of Cav.—C. June 6.
- Conrad, William Smith,** admitted Cadet of Infantry.—C. June 6.
- Cookson, William, Mr.,** admitted Cadet of Cav.—C. June 6.
- Chilcott, Joseph, Mr.,** admitted Cadet of Infantry.—C. June 6.
- Campbell, William Frederick, Ens., 64th N. I.,** to be Lieut., v. Aire, discharged.—C. June 6.
- Cooke, G. M., Capt., 31st N. I.,** transferred to the Pension Estab.—C. June 8.
- Cannon, Henry Fotheringham, Lieut. Artil.,** rank assigned from 19th Nov. 1826.—C. June 8.
- Cameron, Lachlan John, Assist.-Surg., (M.D.),** rank assigned from 19th Nov. 1826.—C. June 8.
- Canley, J., Capt., 2d N. I.,** on furlough to Almorah.—C. May 11.
- Colebrooke, R., Capt.,** of the Eur. Inv. permitted to reside at Monghyr.—C. May 16.
- Cameron, P., Lieut. Col., 2d Light Cav.,** on furlough to Bangalore.—M. June 21.
- Cayle, H., Capt., 25th N. I.,** on fur. to Neilgherry Hills for health.—M. June 21.
- Cottrell, C., Lieut., 8th Lt. Cav.** on fur. to Western Coast for health.—M. June 21.
- Currie, H., Lieut., 9th N. I.,** on fur. to Neilgherry Hills for health.—M. June 21.
- Close, Robt., Major, Madras Estab.,** permitted to retire.—M. June 5.
- Clarkson, N. P., Mr.,** admitted Veterinary Surgeon.—M. June 1.
- Cazart, William Wahab, Mr.,** admitted a Cadet of Infantry.—M. June 1.
- Colebeck, H., Ens.,** removed from 16th to 4th N. I.—M. June 1.
- Carr, G., Ens.,** removed from 8th to 16th N. I.—M. June 1.
- Clapham, W., Lieut. Col.,** rem. 31st reg., or T. L. I., to the 4th N. I.—M. June 21.
- Cappage, A., Lieut., 27th N. I.,** to be Adj., v. Waymouth, dec.—M. May 27.
- Cameron, J., Capt., 52d N. I.,** on furlough to Bengal for one year.—M. May 27.
- Clarke, Geo., Bartholomew,** admitted a Cadet of Infantry.—M. May 27.
- Cameron, J. St. M., Lieut., 8th N. I.,** on furlough to Europe.—M. May 30.
- Callette, J., Lieut. Col.,** from 3d to 1st Light Cav.—M. May 26.
- Dick, W. J.,** appointed Third Judge of the Provincial Courts of Appeal and Circuit for the Division of Bareilly.—C. June 12.
- Byrne, Lieut., 2d N. I.,** to act as Interpreter and Quarter-Master, in absence of Lieut. Lemer.—C. June 30.
- Daly, Assist. Surg.,** attached to the Hospital of H. M's. 3d, (or Buffs.), app. to act as Apothecary till further orders.—C. June 30.

- Drever, Assist.-Surg., is appointed to the 53d N. I.—C. July 2.
- Dalzell, H. B., Hon., Lieut. of Artill., app. Aid-de-Camp. to the Hon. Governor General.—C. June 29.
- Delamain, R., Lieut., 66th N. I., on furlough to Europe for health.—C. June 29.
- Dunlap, W. L., Assist.-Surg., on furlough on the River for health.—C. June 22.
- Douglas, Lieut., Madras Estab., now at the Presidency, is app. to the charge of Detachment arrived from Amherst Harbour, to proceed to Port St. George.—C. June 23.
- Durie, Rawley H., Mr., admitted Cadet of Infantry.—C. June 6.
- Drever, Assist. Surg., appointed to Medical Charge of the Detachment of young Officers, proceeding up the River, under Capt. Welchman.—C. June 2.
- Douglas, Claud, Lieut., 14th N. I., returned to duty without prejudice of rank.—C. May 11.
- Donaldson, Hugh, Assist.-Surg., (M.D.,) appointed to the Medical Duties of Jungypore Residency.—C. May 18.
- Dunlap, Assist.-Surg., is app. to the Detachment at Chinsurah.—C. May 16.
- Drew, G., Senior Capt., 33d N. I., to be Major, v. Lambe, invalided.—M. July 3.
- Durant, A. E. B., Ens., 19th N. I., on furlough to the Presidency for health.—M. June 21.
- Durand, J. C. A., removed from 2d Eur. regt. to 27th N. I.—M. June 16.
- Davis, R., Major, removed from the 4th Vet. Bat., to the 2d Vet. Bat.—M. June 1.
- Dunsmore, G., Senior Cornet, 8th Light Cav., to be Lieut., v. Risdon, deceased.—M. June 1.
- Denman, E. H. F., Second Lieut. Artill., to rank.—M. May 26.
- Dallas, T., Sir, Major-General and Colonel, (K.C.B.,) removed from 5th to 7th Light Cavalry.—M. June 2.
- Donaldson, H. M., Ens., 50th N. I., to do duty with 6th N. I.—M. June 14.
- Denton, J., Deputy Assist. Commis., posted to Vizagapatam.—M. May 27.
- Dickenson, W., Lieut.-Colonel, (C.B.) removed from 7th Light Cav. to 6th Light Cav.—M. May 26.
- Ellis, W. H., Ens., at his own request removed from 2d N. I. to 27th regt., as junior of his grade.—C. June 27.
- Ellis, F. R., Ens., posted to 41st N. I., at Muttra.—C. June 25.
- Edwards, C. L., admitted Cadet of N. I.—C. June 6.
- Ewart, R. S., Ens., rank assigned from 14th Nov., 1826.—C. June 8.
- Elliot, Assist.-Surg., to do duty with H. M's. 47th regt., until further orders.
- Emery, H. F., Ens., 50th N. I., to do duty with 29th N. I. temp.—M. June 30.
- Frith, Warren, H. L., Major, furlough to Europe expired in June.—C. July 3.
- Fleming, Frederick, Mr., permitted to practise, and to succeed as Assist.-Surg.—C. July 3.
- Forster, G., Lieut., 6th Lt. Cav., permitted to do duty with 1st Lt. Cav., at Sul-tanpore, Benares, until Oct., then to join his regt.—C. July 2.
- Fleming, W. H., Ens., posted to 63d N. I., at Hansi.—C. June 25.
- Forth, Assist. Apoth., to join the Detachment at Chinsurah.—C. May 14.
- Forbes, W., Lieut., Mugh Levy, on furlough for a few months.—C. May 11.
- Faskett, W. R., Lieut., 10th N. I., on furlough to the Presidency.—M. June 21.
- Fyfe, W., Lieut., 52d Native Inf., on furlough to Trichinopoly for health.—M. June 21.
- Faulis, D., Lieut.-Col. Com., Mad. Estab., to proceed to take up his rank, June 1, and posted to 6th Lt. Cav.—M. June 2.
- Fortesque, J., Sea. Ens., N. I., to be Lieut., v. Bisset, deceased.—M. June 1.
- Foulerton, T., Ens., to be Lieut., v. Stanton, deceased.—B. June 19.
- Grindall, Fourth Judge of the Provincial Courts of Appeal and Circuit for the Division of Bareilly.—C. July 12.
- Grange, R. G., Ens., 19th N. I., to do duty with the 67th N. I. until Nov., and then to proceed to his regt.—C. June 25.
- Gordon, Assist.-Surg., doing duty at Cox's Bungalow, to rejoin the 2d Bat. Artill. at Dum Dum.—C. June 30.

Grant, James, Mr., to be Assist. to Magistrate, and to the Collector of Burdwan.—C. May 31.

Graham, Donald, Mr., admitted Cadet.—C. June 6.

Graham, Lieut., 5th Lt. Cav., on furlough to Bombay.—C. May 14.

Gordon, Charles, Ens., 13th N. I., doing duty with the 6th N. I., to join his Regt.—M. June 18.

Gillespie, G., Lieut.-Col., rem. from 2d to 7th Lt. Cav.—M. May 26.

Hare, William, Ens., to do duty with 57th N. I., at Dinapore.—C. June 25.

Herbert, George Edward, Cav. Cadet, to do duty with 9th Lt. Cav.—C. June 25.

Hoppe, John, Mr., admitted Cadet of Inf.—C. June 6.

Hutchings, George, Mr., admitted Cadet of Inf.—C. June 6.

Hay, George Charles Kerr, Mr., admitted Cadet of Inf.—C. June 6.

Hall, L. Nelson, Lieut., permitted to return to his duty.—C. May 16.

Hey, John, Major, furl. in Eur. expired in July.—C. May 14.

Hutchins, G. H., 36th N. I. to resume the command of the escort with the Agent to the Governor-General, in the Sauror and Nerbudda territories.—C. May 18.

Hewitt, J., Lieut. and Adj., 52d N. I., on furl. to visit the Presidency and Jessore.—C. May 11.

Hawkins, E. S., Lieut., 38th N. I., on furl. to the Presidency.—C. May 11.

Haig, W. Cornet, 4th Lt. Cav., to join his regt. at Arcot.—M. June 30.

Haines, G., Ens., posted to 26th N. I.—M. June 30.

Hennah, S. W., Cornet, posted to 3d Lt. Cav.—M. June 30.

Hogarth, J., Ens., posted to 43d N. I.—M. June 30.

Hammond, A., the Rev., to be District Chaplain at Berhampore.—C. June 21.

Haskewood, J., Lieut.-Col., removed from 2d N. Vet. Bat. to the 4th N. Vet. Bat.—M. June 1.

Haines, William, Surg., app. to the medical charge of the Neilgherries, June 8; and rem. from 30th to 33d N. I.—June 16.

Hinton, W., Conductor, to be Dep.-Assist.-Commissary of Ordnance, v. Pass, dec.—M. May 27.

Higginson, Lieut., 58th N. I., to act as Interp. and Quart.-Mast, v. Turner, deceased.—June 25.

Hannay, Lieut. and Adj., 40th N. I., doing duty with the 25th regt., to join his regt.—C. July 2.

Haldane, C., Lieut., 32d N. I., to act as Maj. of Brigade during the absence of Capt. La Touche.—C. June 20.

Hiffertson, James, Hospital Apprentice, to officiate as Assist. Apothecary and Steward with the Artil. at Benares.—C. June 23.

Jackson, A., Lieut., 30th N. I., on furlough on the River for health.—C. June 30.

Jones, William, Apothecary, app. to the Gen. Dispensary, and placed under the Med. Board.—C. June 23.

Jenkins, Henry, Apothecary, attached to H. M.'s 59th, transferred to the Pension List.—C. May 14.

Jenkins, T. A., Ens., posted to 2d N. I.—M. June 30.

Jones, C., Surg., to reside at Fort George.—M. June 2.

Johnstone, W. G., Ens., removed from 38th to 12th N. I.—M. June 4.

Kennedy, J. P., Capt., to be Principal Assist. to the Resident at Delhi stationed at Sabathoo.—C. June 22.

Kempe, Richard B., Lieut., furlough to Europe expired in June.—C. July 3.

Kerr, H. T. C., Lieut., 39th N. I., Superintend. of Cadets, on furlough to China, and ultimately to Europe for health.—C. July 4.

Kerr, Veterinary Surg., appointed to 1st Light Cav., and to proceed to join along with the detachment under Lieut. Innes.—C. June 29.

Knox, A., Brig.-Gen., of the General Staff, on furlough to Musseerabad for health.—C. July 2.

Kennedy, A. T., Capt., 14th N. I., on furlough to Europe.—C. May 18.

Kennedy, H. A., Ens., 14th N. I., on furlough to Presidency.—M. June 30.

- Knox, G., Surgeon, on furlough to Calcutta.—M. July 3.
- Lloyd, William, Major, furlough to Europe prolonged till the departure of the last ship in the season, 1827.—C. July 3.
- Lovell, Mathew, Mr., permitted to practise and to succeed as Assistant-Surgeon.—C. July 3.
- Lambie, John, Capt., permitted to retire from the 15th Sept.—C. July 3.
- Lawrell, J. G., Mr., to be second Assist. to the Export Warehouse Keeper.—July 5.
- Leicester, C. B., Lieut., 34th N. I., on furlough to the Presidency.—C. June 25.
- Lewin, Lieut., Horse Artill., appointed to duty with the Recruits attached to the Riding Dépôt, at Dum Dum.—C. June 30.
- Lemen, C., Lieut., 21st N. I., Interp. and Quar.-Mast., on furlough to the Presidency.—C. July 2.
- Lawrie, J. A., Assist.-Surg., 53d N. I., on furlough for health to the Presidency.—C. July 2.
- La Touch, P., Capt., of the District Staff, on furlough to Lucknow.—C. June 20.
- Long, Lieut., 10th N. I., to remain with the 25th N. I., till 1st Jan. 1828, then to join his regt.—C. June 22.
- Lumley, J. R., Ens., posted to 64th N. I., at Agra.—C. June 25.
- Llewellyn, Assist.-Surg., appointed to 25th N. I.—C. June 2.
- Lindsay, William, Mr., admitted Veterinary Surg.—C. May 14.
- Land, Sebastian, Major, 60th N. I., returned to duty without prejudice of rank.—C. May 11.
- Ludlow, E. E., Lieut., 20th N. I., on furlough to Delhi.—C. May 11.
- Lascelles, F. G. J., Cornet, posted to 1st Light Cav.—M. June 30.
- Lambe, J., Major, 33d N. I., transferred to the Invalid Estab., and posted to 4th N. Vet. Bat.—M. June 5.
- Lodington, H. J., Sen. Lieut., 50th N. I., to be Capt., v. Rose, dec.—M. June 5.
- Lancaster, C., Second Lieut., Artill., to rank.—M. May 26.
- Lewis, J., Lieut., 24th N. I., on furlough to the Cape, and ultimately to Europe for health.—M. May 22.
- Lynch, H. C., Capt., 48th N. I., posted to the Rifle Corps.—M. May 26.
- Mackenzie, A., Second Judge of the Provincial Courts of Appeal and Circuit for the Division of Bareilly.—C. July 12.
- Munt, J., Lieut., 26th N. I., to act temporarily as Fort Adjutant at Ahmednuggur.—B. July 24.
- Mills, D., Lieut., 19th regt., to act temporarily as Adjutant to the left wing at Jaitpoor, v. Graham.—B. July 24.
- Mackel, A., Assist.-Surg., appointed Civil Surg. at Kaira.—B. July 14.
- Maughan, J., Lieut. 12th N. I., on furl. to Madras.—B. July 14.
- Murray, W., Capt., to be Political Agent at Ambalee.—C. June 22.
- Money, Edward Kyle, Cadet, to be Cornet of Cavalry.—C. June 13.
- Moore, Capt. G., to act as Ass.-Com.-Gen. with Surat Division of the Army.—B. Aug. 3.
- Mardan, Frederick, Ens., 4th N. I., to join and accompany the Detachment under Lieut. Innes of the 12th N. I.—C. June 25.
- Matthie, Lieut., 1st European Regt., to act as Interp. and Quart.-Mast. temporarily, v. Howard.—C. June 30.
- M'Rae, Officiating Assist.-Surg., is attached to the Dépôt at Chinsurah until further orders.—C. June 30.
- Molyneux, R., Veterinary Surg., on furlough to the Presidency.—C. June 20.
- Mackintosh, Alexander, Ens., ran. from 6th extra Regt. to 52d N. I. at Chittagong.—C. June 23.
- Mainwaring, Philip, Ens., to do duty with 67th N. I.—C. June 25.
- Morgan, James John M'Clary, Mr., admitted Cadet of Inf.—C. June 6.
- Mackintosh, C., Assist.-Surg., jun., 64th N. I., appointed to the Medical Detach. of the Civil Station of Allyghur, v. Manseross, prom.—C. June 8.
- Mackinnon, Ass.-Surg., (M. D.), rank assigned from 19th Nov. 1826.—C. June 8.
- Mallock, Lieut., of Engin., to act as Adj. of Corps, and Visiting Officer of the Works in Fort William.—C. May 15.

- Macpherson, S. C., Ens., posted to 43d N. I.—M. June 30.
 Merritt, J., Ens., posted to 43d N. I.—M. June 30.
 Miller, W. A., Lieut. Rif. Corps, on furl. to Western Coast for health.—M. June 30.
 Mytton, Richard, the Rev., to be District Chaplain at Howrah.—C. June 21.
 Manderville, C., Lieut.-Col., rem. from the 4th N. Vet. Bat. to the Cara. Eur. Vet. Bat.—M. June 1.
 Meredith, J. J., Sen. Capt. 4th Light Cav., to be Maj., v. Close, ret.—M. June 5.
 M'Leod, D. M., sen., Ens., 50th N. I., to be Lieut.—M. June 5.
 M'Leod, D., sen., Lieut. 7th Light Cav., to be Capt.—M. June 5.
 Marrett, P. T., rem. from 1st Eur. Regt. to 8th N. I.—M. June 4.
 Marlay, J. W., Ens., rem. from 28th N. I. to the 3d P. L. I.—M. June 15.
 Maclean, C. M., Ens., 43d N. I., to do duty with the 52d N. I.—M. June 16.
 Nicholson, Simon James, Mr., admitted Cadet of Inf.—C. June 6.
 Nugent, Edmund M'Intosh, admitted Cadet of Inf.—C. June 6.
 Nicolay, F. L., Lieut. and Adj., 1st Extra Regt., on furl. to sea-coast for health.—M. June 30.
 Newmarch, W., Sen. Capt. 7th Light Cav., to be Maj., v. Riddell, prom.—M. June 5.
 Nicholl, H. I., Ens., 25th N. I., to do duty with 2d N. I.—M. June 14.
 O'Brien, Peter, Apoth., appointed to the General Dispensary, and placed under the Medical Board.—C. June 23.
 O'Brien, Thomas Ormsby, Mr., admitted Cadet of Inf.—C. June 6.
 Orr, W., Lieut., Artil., on furlough to Ougole.—M. June 21.
 Osmamney, W. S., Senior Cornet, 2d Lt. Cav.—M. May 29.
 Pringle, Capt., Assist.-Secretary to the Military Board, to take charge of the Secretariate Duties, on the departure of Major Fearon, until the arrival of Capt. James.—B. July 21.
 Phillips, J. B., Lieut., 2d Eur. Reg., on furlough to Calcutta.—B. July 22.
 Pearce, C., Capt., permitted to return to duty.—C. July 3.
 Primrose, R., Surg., permitted to retire from the 16th June 1826.—C. July 3.
 Perreau, C. J., Ens., at his own request, rem. from 39th reg., and posted to the 58th N. I., as jun. of his grade.—C. June 30.
 Perreau, C. J. H., posted to 36th N. I., at Sultanpore (Onde).—C. June 25.
 Figgot, C. C., Ens., rank assigned from Nov. 19, 1826, to do duty with 10th Lt. Cav.—C. June 8.
 Parish, W., the Rev., to be District Chaplain at Kurnaul.—C. May 17.
 Parry, R. B., Mr., admitted Veterinary Surg.—C. May 14.
 Pearson, D., Ens., posted to 43d N. I.—M. June 30.
 Pinchard, G. T., Lieut., 3d reg., or P. L. I., on furlough.—M. June 21.
 Powell, T., Assist.-Surg., to do duty with 10th N. I.—M. June 1.
 Rattray, R. H., Senior Judge of the Provincial Courts of Appeal and Circuit for the Division of Calcutta.—C. July 12.
 Reynolds, T., Capt., 63d N. I., on furlough to the Presidency.—C. June 25.
 Robb, F. C., Capt., Dept.-Assist.-Quar.-Mast.-Gen., General-Staff, on leave of absence to enable him to join his station.—C. June 27.
 Ramsay, Thos., Ens., at his own request, rem. from 24th reg. and posted to 22d N. I. as junior of his grade.—C. June 23.
 Riddell, Thos., Ens., to do duty with 67th N. I. at Dinapore.—C. June 25.
 Robbins, William Pitt, Mr., admitted Cadet of Cav.—C. June 6.
 Robinson, David, Mr., admitted Cadet of Inf.—C. June 6.
 Rickard, J., Capt. 29th N. I., to do duty with the 4th N. I.—M. June 30.
 Ricketts, W. H., Cornet, posted to 2d Lt. Cav.—M. June 30.
 Riddell, M., Senior Major, from 7th reg. to be Lieut.-Col., and posted to 7th Lt. Cav., v. Gillespie, dec.—M. June 1.
 Russell, J., Lieut.-Col.-Com. (C. B.), rem. from 7th to 6th Lt. Cav.—M. June 2.
 Richards, William Henry, Surgeon, to rank.—M. May 29.
 Rayford, H., Lieut.-Col., rem. from 6th to 3d Lt. Cav.—M. May 26.
 Scobie, D. M., Lieut., 14th N. I., to be Acting-Adj. to the Detachment proceeding to Poonah.—B. July 14.
 Spicer, Capt., 12th Madras N. I., to be Dept.-Judge-Advocate-Gen., with the troops under the command of Maj.-Gen. Sir A. Campbell, K. C. B.—C. June 29.

- Spry, Henry Harpur, Mr., permitted to practise, and to succeed as Assistant-Surgeon.—C. July 3.
- Small, Assist.-Surg., appointed to the Medical Charge of the Detachment under Lieut. Innes, as far as Cawnpore, and there to join the 8th Lt. Cav.—C. June 30.
- Scott, G. M., Officiating Assist.-Surg., appointed to the medical charge of the detachment of 68th N. I., under command of Capt. Bell, for Arracan.—C. June 22.
- Smith, W., Ens., posted to 19th N. I., Musseerabad.—C. June 25.
- Siddons, G. R., admitted Cadet of Cavalry.—C. June 6.
- Sleeman, J., Mr., admitted Cadet of Inf.—C. June 6.
- Saunders, S. J., Mr., admitted Cadet of Cavalry.—C. June 6.
- Stokes, J., Mr., admitted Assist.-Surg.—C. June 6.
- Simkins, A. M., the Rev., to be District Chaplain at Chinsurah.—C. June 21.
- Smythe, E. L., Major, 5th Light Cav., on furlough to the sea-coast for health.—M. June 30.
- Sheriff, E., Senior First Lieut. of Artil., to be Capt. v. Kennan, deceased.
- Stapleton, E., Lieut., furlough to Europe expired in August.—M. June.
- Scott, R. R., Sen. Ens., 52d N. I., to be Lieut., v. Barton, deceased.—M. June 1.
- Showers, E. S. G., Second Lieut., removed from 1st Bat. to 2d Horse Brigade.—M. June 18.
- Turner, Lieut., 61st N. I., to act as Inter. and Quar.-Master, in the absence of Lieut. Jenkins.—C. June 27.
- Tyler, G., Lieut., 63d N. I., to act as Adj. to a detachment proceeding to Delhi.—C. June 27.
- Taylor, A. W., Ens., 1st Eur. regt., on furl. to Tirhoot.—C. June 30.
- Thomas M., Major, 54th N. I., on furl. to Almorah, for health.—C. June 30.
- Turton, J., Ens., posted to 3d N. I., at Lucknow.—C. June 25.
- Tebbs, George, Mr., admitted Cadet of Inf.—C. June 6.
- Tabor, Samuel James, Cornet, Cav., rank assigned from 19th Nov., 1826, to do duty with 10th Lt. Cav.—C. June 8.
- Taylor, G. J., Mr., to be Collector of Beerbhoom.—C. May 10.
- Taylor, W., Ens., posted to 4th N. I.—M. June 30.
- Thompson, E. P., Esq., to be Assistant to the principal Collector of Cuddapah.—M. July 3.
- Veysie, William, Lieut., 7th Lt. Cav., to be Capt. of a troop, v. Grant, deceased.—C. July 8.
- Vernet, J. S. Du, Ens., 24th N. I., to do duty with 52d N. I.—M. June 1.
- Webb, W. Taylor, Surg., to be Garrison-Surgeon at Chunar, v. Tytler, appointed a Presidency Surgeon.—C. July 6.
- Wilcox, John Theodore, Ens., appointed to do duty with the 49th N. I. at Mirzapore, to proceed with the Detachment under Lieut. Innes.—C. July 2.
- Walker, T. C., Ens., posted to 26th N. I., at Cawnpore.—C. June 25.
- Windsor, Charles, Mr., admitted Cadet.—C. June 6.
- Wallace, Francis, Mr. admitted Cadet of Inf.—C. June 6.
- Willan, Joseph, Mr., admitted Assist.-Sug.—C. June 6.
- Wroughton, N., Cornet, posted, to 1st Lt. Cav.—M. June 30.
- Whitlack, J., Cornet, posted to 3d reg. Lt. Cav.—M. June 30.
- Willes, C. T., Cornet, posted to 3d Lt. Cav.—M. June 30.
- Wynham, W., Cornet, posted to 3d Lt. Cav.—M. June 30.
- Watson, J., Capt., 14th N. I., to take charge of the young officers proceeding to Bangalore and the Doonab.
- Wright, George, Lieut., Madras Estab., to return to duty without prejudice of rank.—M. June 1.
- Wilkinson, Charles, Mr., admitted to succeed as an Assist.-Surg.—M. June 8.
- Watkins, Sen. Lieut.-Brev. Capt., 7th Lt. Cav., to be Capt.—M. June 5.
- Williams, T., Surgeon, posted to 51st N. I.—M. June 16.
- Watkins, H., Lieut., Artil., rem. from 1st Batt. to the 1st Horse Brigade.—M. June 16.
- Wight, J., Lieut.-Col., rem. from 4th to 42d N. I.—M. June 21.
- Yeatman, Assist.-Surgeon. fur. to Europe prolonged till Dec. next.—C. July 3.
- Young, Ens., 38th N. I., permitted to do duty with the 57th N. I. till 1st of Oct., then to proceed to his regiment.—C. June 30.

Young, Thomas, Ens., to do duty with 40th N. I. at Dinapore.—C. June 25.
Yarde, W. H., Ens., 11th N. I., on furl. to Bangalore.—M. June 21.
Yates, R. H., Lieut.-Col., to return to duty.—M. June 1.

BIRTHS.

Atkinson, the lady of Henry, Esq., of a son, at Madras, June 10.
Ashton, the lady of William, Esq., Civil Ser., of a daughter, at Madras, May 19.
Anderson, the lady of Lieut. P. C., of the Pioneers, of a son, at Allyghur, June 23.
Bruce, the lady of Capt. E., 35th Madras N. I., of a daughter, at Penang, May 3.
Birdwood, the lady of William, Esq., Civ. Serv., of a son, at Broach, June 5.
Baumgardt, the lady of Lieut.-Col., H. M.'s 31st foot, of a daughter, at Chunar May 23.
Barlow, the lady of Robert, Esq. Sen., Civ. Serv., of twin daughters, at Ghazepore, May 23.
Breechman, the lady of Mr., Sitting Magistrate at Mullativo, Ceylon, June 4.
Bonbury, the lady of Capt., of a daughter, at Penang, May 30.
Butler, the lady of Lieut. and Adj. John, 3d N. I., of a daughter, at Lucknow, June 3.
Clemons, the lady of Capt. J., 9th N. I., of a son, at St. Thomas's Mount Madras, June 26.
Calder, the lady of Capt., 1st Eur. reg., of a daughter, at Cannanore, June 7.
Crawford, the lady of Thomas, Esq., of a son, at Ganjam, June 18.
Dangerfield, the lady of Capt., Assist. Opium Agent, of a son, at Indore, July 6.
De Souza, the lady of Antonio, Esq., of a daughter, at Karel, June 13.
Deans, the lady of John, Esq., at Batavia, Dec. 22.
Dyer, the lady of Lieut. Dep.-Assist.-Adj.-Gen. of the Army, of a daughter at Madras, June 3.
Esady Chekah Royal, or Nanah, the lady of, Son to his Highness the Rajah of Bunganore, of a daughter, at Madras, June 24.
Eastgate, the lady of Capt., of a daughter, at Calcutta, July 9.
Francia, the lady of R. B., Esq., of a daughter, at Jessore, June 22.
Fleming, the lady of Lieut., of H. M.'s 49th regt., of a son, at the Cape of Good Hope, Jan. 27.
Fitzgerald, the lady of Lieut. W. R., of the Engin., of a son, at Allypore, May 1.
Godfrey, the lady of Capt., Dep.-Assist.-Quar.-Mast.-Gen., of a son, at Bellary. July 2.
Ginason, the lady of Major J. F., Commanding 2d Eur. regt., of a daughter, at Kamptee, June 1.
Hunter, the lady of Capt. F., Assist.-Adj.-Gen., of a daughter, at Kamptee, near Nagpore, July 6.
Harper, the lady of Edmond J., Esq., of a daughter, at Hazareebang, June 10.
Hughes, the lady of Ens., 39th N. I., of a son, at Madras, June 7.
Hall, the lady of Capt. James, of a son, at Calcutta, May 3.
Hudson, the lady of Capt. John, of a daughter, at Calcutta, June 20.
Hooper, the lady of G. S., Esq., Civ. Service, of a daughter, at Tellicherry May 23.
James, the lady of Capt. J. P., 2d regt., of a son, at Palayaram, July 6.
Jordan, the lady of Paul, Esq., of a daughter, at Calcutta, July 4.
Jenkins, the lady of Lieut., 61st N. I., of a daughter, at Seebpoor, July 5.
James, the lady of Capt. Henry, 20th N. I., of a son, at Barrackpore, June 14.
Lindsay, the lady of C., Esq. of a daughter, at Calcutta, June 27.
M'Dowell, the lady of James, Esq., Bengal Med. Serv., of a son, Calcutta, Feb. 14.
Marquison, the lady of K., Esq., Civ. Serv., of a son, at Penang, May 20.
Marquand, the lady of Capt. Edward, of a son and heir, at Chittagong, June 2.
Moseley, the lady of Capt. G. W., Timber-agent, of a son, at Jynughur, in Tirhoot, May 26.
Monteath, the lady of Capt., 35th regt., of a son, at Meerut, May 25.

- Moorat, the lady of John, Esq., of a daughter, at Madras, June 7.
 Moberly, the lady of Capt., Dep. Sec. Mil. Board, of a son, at Madras, May 30.
 Paxton, the lady of Dr. George, 41st N. I., of a son, at Muttra, May 15.
 Poynton, the lady of Capt. W., of the Country Service, of a daughter, at Colabah, Aug. 9.
 Ricketts, the lady of H., Esq., of the Civ. Serv., of a son, at Cuttack, June 20.
 Rylot, the lady of Capt., 2d Cav., of a son, at Mhow, July 24.
 Sievwright, the lady of Francis, Esq., Surg., H. M. Depôt, of a son, at Chinsurah, July 4.
 Stewart, the lady of Lieut., 22d N. I., of a son, at Midnapore, June 5.
 Stuart, the lady of Lieut.-Col. J. N., of twins, a son and daughter, at Chowringhee, May 12.
 Stuart, the lady of Capt. H., 48th foot, of a son, at Trichinopoly, June 14.
 Searle, the lady of Mr., Assist.-Surg., of a son, at Madura, June 16.
 Stapleton, the lady of Lieut., 52d N. I., of a daughter, at Chittagong, May 19.
 Steel, the lady of Capt. James, Dep.-Judg.-Adv.-Gen., of a daughter, at Dinapore, June 8.
 Saunders, the lady of J., Esq., of a daughter, Bombay, Aug. 8.
 Stacy, the lady of Capt., 32d N. I., of a daughter, at Subathoo, June 28.
 Talbot, the lady of Lieut., 61st N. I., of a son, at Calcutta, June 22.
 Ward, the lady of Capt. B. S., of a son, at Cannanore, Madras, July 2.
 Woodcock, the lady of E. H., Esq., Civil Service, of a son, at Salem, July 8.
 Williamson, the lady of Lieut., 25th N. I., of a son, at Dinapore, June 10.
 Willis, the lady of Lieut., A. D., of a daughter, at Keitah, July 1.

MARRIAGES.

- Bruce, Lieut., Stanhope, 3d reg. of Buffs, to Isabella, daughter of Col. Robert Ellis, 25th Light Dragoons, Bombay, June 20.
 Cook, A., Esq., Surgeon 67th N. I. to Mrs. L. M. Armstrong, widow of the late Capt. H. B. Armstrong, H. M. 14th reg., at Dinapore, May 30.
 Colvin, John Russel, Esq., Civil Service, to Emma Sophia, daughter of the Rev. C. Sneyd, Isle of Wight, at Calcutta, May 11.
 Christian, the Rev. J., to Miss S. Morton, at Calcutta, July 9.
 Danby, Frederick, Esq., of the Grange, Hainault Forest, Essex, to Fanny, relict of the late J. E. Higginson, Esq., at Madras, June 11.
 Dougal, John, Esq., to Charlotte, eldest daughter of the late John Sandford, Esq., of the Bengal Service, at Calcutta, July 16.
 Fergusson, F. J., Esq., to Margaret, only daughter of the late Captain Edw. Lowes, at Calcutta, May 9.
 Greenway, Charles Coverdale, Esq. to Miss Mary Farquharson, eldest daughter of Richard Foley, Esq., at Cawnpore, June 12.
 Hannay, S. F., Lieut.-Adj. of the 4th N. I., to Miss M. C. Graham, eldest daughter of Alexander Graham, Esq., Glasgow, at Calcutta, July 4.
 Hodges, P. P. Capt., Executive Officer of Public Works, to Emily Vandeput, eldest daughter of William Jones, Esq., of Helston, in Cornwall, at Penang, June 6.
 Ives, George E., Esq., S. R. A., to Frances, youngest daughter of Thomas Bush, Esq., at Calcutta, May 4.
 Lyons, S. A., Lieut., 34th reg., to Miss Logie, grand-daughter of Major-Gen. Sir John Arnold, K. C. B., at Seetapore, June 22.
 Lionel, Mr. Thomas, son of the late Mr. Thomas Lionet, of the Ordnance Department, to Miss Frances Edwards, at Madras, June 4.
 Lewin, W. C. J., Lieut. of Horse Artl. to Miss Lamprimandaye, at Calcutta, June 15.
 Ockleton, Thomas, Esq., to Miss C. A. Huot, at Calcutta, June 21.
 Preston, Lieut. D'Arcy, 65th N. I., to Miss Janet Forrest, at Calcutta, June 30.
 Reade, Lieut. W. B., 1st Light Cav., to Elizabeth, second daughter of J. Griffith, Esq., of Sloane-street, Middlesex, at Benares, May 10.
 Stewart, Mr. Arch., Engineers, to Mrs. Carolina Matilda Benet, at Calcutta, May 4.

Terranean, Robert, Esq., to Miss Elizabeth Brown, at Mooradabad, June 5.
 Turner, John, Esq., Attorney-at-law, to Miss Frances Maffin, Calcutta, June 23.
 Tomkyns, Mr. William, Assist. in the office of Accountant Board of Revenue, to Miss Maria Louisa Desplannes, at Calcutta, June 9.
 Urquhart, Lieut. George, 65th N. I., to Cecilia Mary, youngest daughter of the late Col. G. Torrane, Governor at Cape Coast, Africa, at Barrackpore.— June 23.
 Vincent, Major William, commanding 25th N. I. Vols. to Mrs. E. Pickersgill, at Calcutta, July 12.
 Walker, James A., Esq., to Miss Feliciana Da Costa, at Calcutta, June 5.
 Willoughby, Edward, Lieut., 18th N. I., to Emma, eldest daughter of Lieut.-Col. Sheall, Bombay Estab., at Poonah, June 1.

DEATHS.

Burchell, Lieut. Edward Sayer, at Kamptee, June 26.
 Barbes, Lydia, wife of Mr. Salmon, of the Surat Mission, aged 20 years, at Surat, June 12.
 Booth, George, Esq., aged 23 years, at Calcutta, May 27.
 Brady, Mr. Patrick, Tutor of the Engineer Institution, aged 40 years, at Geer-
 gaum, July 29.
 Bell, Charles Hamilton, Capt. of Artillery, Sophia, the lady of, of cholera, at
 Nusseerabad, May 19.
 Comparte, Lewis Jacob, Esq., Superintendent of Indigo Works, aged 37 years,
 at Monghyr, June 16.
 Clarke, the lady of Lieut. Augustus, Dep.-Ass.-Com.-Gen., at Bellary, May 25.
 Clarkson, Lieut. W. H., 31st N. I., at Poonah, Aug. 2.
 Campbell, Neil, Brev.-Capt., H. M.'s 13th Lt. Inf., at Dinapore, April 25.
 Crewes, John, Capt. of the brig *Marcelly*, aged fifty, at Calcutta, July 13.
 Cavell, June Henry, Esq., Surg. to the Right Hon. the Governor-General, at
 Subathoo, June 21.
 Davies, Major, Evan, 14th N. I., commanding the Nizam's Reformed Horse at
 Mominabad, May 8.
 Davies, Julia, wife of Capt. Charles Frederick Davies, of the country sea-service,
 aged thirty-two, Calcutta, May 1.
 Dickenson, the lady of Capt., 1st Brigade Horse Artil., at Bangalore, June 19.
 Eaton, Charles, Capt., late Master-Attend., at Coringa, aged 74, Madras, May 20.
 Eurenell, Lieut., E. S., at Kamptee, June 26.
 Fawcett, J., Esq., Helen Langford, infant daughter of, Bombay, July 28.
 Fitzgerald, Lieut. and Quart.-Mast. 41st regt., at Kamptee, near Nagpore
 June 7.
 Glover, Harriet, youngest daughter of J. Glover, Esq., of Pool House, Worces-
 tershire, at Hawul Bagh, near Almorah, May 24.
 Grant, Capt., Charles, 7th Lt. Cav., near Kurnaul, June 13.
 Hutchings, Rev. R. L. (A. M.) Chaplain of the Presidency, at Penang,
 April 20.
 Halhed, J. Hastings, eldest son of N. J. Halhed, Esq., Civ. Serv., at sea, Jan. 3.
 Harvey, J., Esq., aged 62 years, at Calcutta, May 15.
 Henwood, G., Esq., late of Kedgerce, aged 24 years, at Entally, June 20.
 Heath, Wm., Esq., Assist. Surg., attached to the Dépôt at Chinsurah; drowned
 in crossing to Chaudpaul Ghant, May 28.
 Humphreys, the wife of the Rev. J., aged 31, at Malacca, on the 29th of May.
 Muspratt, R. J. M., Esq., Civ. Serv., aged 19, at Bombay, July 20.
 Marvick, the infant daughter of Lieut. W. J., Artil. reg., at Ishapore, June 26.
 M'Leod, J. A., infant son of J. M'Leod, Esq., at Pondicherry, June 13.
 Montgomery, A. B., infant daughter of Assist. Surg., Bombay, Mad. Estab., at
 Chanda, near Nagpore, June 16.
 Macdonald, A. C. M., infant daughter of the late Capt. A. Macdonald, Political
 Agent at Neemuch, Villa Marina, Bombay, May 4.
 Moran, E., Esq., late Commissary of Ordnance, aged 71 years, at Calcutta, on the
 12th of July.

Macanley, M., infant daughter of T. B., at Bombay, July 16.
 Pantou, A., daughter of Capt. J., Engineers, at Arcot, June 1.
 Robson, W. H., infant son of F. H., Esq., at Madras, June 30.
 Renwood, G., Esq., late of Kedgerce, aged 34 years, at Entally, June 20.
 Ramsay, P. W., Maj., of H. M.'s 47th reg., at Berkampore, June 29.
 Robertson, Ens., 53d N. I., of the Aracan fever, while marching through the country, at Akyl, June 22.
 Scott, C., Esq., Ceylon Civ. Serv., and Provincial Judge, at Galle, Ceylon, June 3.
 Spencer, E., Lieut., Inv. Estab., at Monghyr, June 23.
 Steel, the infant daughter of Capt. J., Deputy-Judge Advocate-General, at Dinapore, June 22.
 Salmond, F. C., Esq., Civ., Estab., at Penang, May 28.
 Stewart, F., Esq., Assist.-Surg., on board the *Jase*, June 11.
 Stapleton, the wife of Lieut., 52d N. I., at Chittagong, May 27.
 Stewart, J. D., late Master-Attendant at Cochin, May 9.
 Turner, W., Capt., 58th N. I., at Agra, June 8.
 Vibart, Emma Forbes, infant daughter of John Vibart, Esq., Civ. Serv., aged 11 months, at Ahmedabad, May 11.
 Willis, J., Lieut., 28th N. I., at Musulipatam, June 25.
 Waldron Eliz., Miss, daughter of the late Capt. J. H. Wa'dron, 46th N. I., aged 7 years and 7 months, at Calcutta, July 5.
 Watkins, Mary Anne, infant daughter of Capt. J. Watkins, 62d N. I., at Benares, June 23.
 Warren, F., Lieut., N. I., aged 24 years, drowned in attempting to save himself from the wreck of the late ship *John*, July 3.
 Watkinson, Mary Emma, eldest daughter of Mr. J. Watkinson, of Grove House at Chinsurah, May 13.
 Watson, J. C. Esq., aged 47 years at Calcutta, May 10.

SHIPPING INTELLIGENCE.

ARRIVALS FROM EASTERN PORTS.

| Date. 1827. | Port of Arrival. | Ship's Name. | Commander. | Place of Depart. | Date. 1827. |
|----------------|------------------|----------------|--------------|------------------|----------------|
| Nov. 29 | Cowes .. | Preciosa .. | Hjelm .. | Singapore | June 15 |
| Nov. 30 | Dover .. | Warwick .. | Gibson .. | Bombay.. | Aug. 1 |
| Dec. 1 | Downs .. | Mary .. | Guy .. | Singapore | July 5 |
| Dec. 1 | Portsmouth | William Harris | Beachcroft.. | Ascen. Isl. | July 5 |
| Dec. 4 | Dover .. | Maitland .. | Studd .. | Bombay.. | Aug. 6 |
| Dec. 5 | Downs .. | Midas .. | Baigrie .. | Batavia .. | Aug. 11 |
| Dec. 6 | Downs .. | Triumph .. | Green .. | Bombay.. | Aug. 5 |
| Dec. 6 | Portsmouth | Spring .. | Harpie .. | Bombay.. | June 10 |
| Dec. 17 | Downs .. | Egyptian .. | Lilburn .. | Bombay.. | Aug. 16 |
| Dec. 17 | Downs .. | Augerona .. | Baker .. | Bengal .. | May 5 |
| Dec. 17 | Downs .. | C. of Dunsmore | — | Bengal .. | July 5 |
| Dec. 18 | Downs .. | William Parker | Brown .. | Cape .. | Oct. 12 |
| Dec. 21 | Liverpool .. | Clansmen .. | Snowden .. | Calcutta.. | Sept. 1 |

ARRIVALS IN EASTERN PORTS.

| Date. 1827. | Port of Arrival. | Ship's Name. | Commander. | Port of Depart. |
|----------------|------------------|---------------|--------------|-----------------|
| June 4 | Bengal .. | Marcelly .. | Crews .. | London |
| June 5 | Bengal .. | Vansittart .. | Dalrymple .. | London |
| June 8 | Bengal .. | Windsor .. | Proctor .. | London |
| June 9 | Bengal .. | Ingles .. | Searle .. | London |

| Date. 1827 | Port of Arrival. | Ship's Name. | Commander | Port of Depart. |
|---------------|------------------|---------------|------------|-----------------|
| June 15 | Bengal | Harriett | Kindley | London |
| June 16 | Bengal | Cesar | Watt | London |
| June 16 | Bengal | Str William | Wilson | London |
| June 19 | Bengal | Scalby Castle | Newall | London |
| June 20 | Madras | Waterloo | Manning | London |
| July 15 | Bengal | Cassander | Rodger | London |
| July 23 | Batavia | Orynthia | Rixon | London |
| July 28 | Bombay | Esther | Robinson | Liverpool |
| July 31 | Bombay | Enterprise | Dillon | London |
| Aug. 1 | Mauritius | Darius | Blair | London |
| Aug. 1 | Mauritius | Mary | Beachcroft | London |
| Aug. 6 | Bombay | Chas. Kerr | Brodie | London |
| Aug. 7 | Mauritius | Morning Star | Gibbs | London |
| Aug. 25 | Bombay | John Biggar | Kent | London |

DEPARTURES FROM EUROPE.

| Date. 1827. | Port of Depart. | Ship's Name. | Commander. | Destination. |
|----------------|-----------------|-------------------|------------|--------------|
| Oct. 28 | Gravesend | Norfolk | Redman | Bengal |
| Oct. 29 | Liverpool | Cleopatra | Clement | N. S. Wales |
| Nov. 1 | Gravesend | Calista | Hawkins | N. S. Wales |
| Nov. 4 | Gravesend | Mary Ann | O'Brien | Mad. & Beng. |
| Nov. 8 | Portsmouth | Marmion | Wright | N. S. Wales |
| Nov. 9 | Liverpool | Thomas Ritchie | Alexander | Bombay |
| Nov. 11 | Gravesend | Auriga | Walford | Bengal |
| Nov. 16 | Gravesend | Patience | Matthews | Cape |
| Nov. 17 | Portsmouth | Satellite | Laws | Beng. & Mau. |
| Nov. 18 | Portsmouth | Undaunted | H. M. S. | Bengal |
| Dec. 1 | Greenock | Iris | Frank | Bengal |
| Dec. 1 | Greenock | Lady Han. Ellis | Liddell | Bombay |
| Dec. 3 | Gravesend | Governor Harcourt | — | Mad. & Beng. |
| Dec. 4 | Gravesend | Sarah | Weeding | Bombay |
| Dec. 6 | Gravesend | Surry | Kemp | Bombay |
| Dec. 9 | Leith | Louisa | Mackie | Cape & Beng. |
| Dec. 11 | Gravesend | Ellen | Boyle | Bombay |
| Dec. 13 | Gravesend | Lady Holland | Snell | Mad. & Beng. |
| Dec. 17 | Deal | Stentor | Tindell | Ceylon |
| Dec. 20 | Gravesend | Importer | Smith | N. S. Wales |
| Dec. 21 | Gravesend | Borodino | — | N. S. Wales |
| Dec. 22 | Plymouth | Exmouth | Graham | Bombay |
| Dec. 23 | Gravesend | Candian | Reed | Bengal |
| Dec. 25 | Gravesend | Lord Amherst | Ardlie | Mad. & Beng. |

POSTSCRIPT.

SUPPRESSION OF ANOTHER INDIAN PAPER.

IN a former part of this Number, we have adverted to the fact of the suppression of a second Indian Newspaper by the mere mandate of authority, without trial or hearing;—on which occasion, no Public Meeting,—no Memorial to Government,—no Petition to Parliament,—no Public Subscription to carry through measures necessary for redress,—seems to have been thought of by the English community in India; though the power of suppressing the opinions, and destroying the whole property of individuals, at will, is even worse than the arbitrary taxation of the community, generally, by a Stamp Tax, which, being divided among thousands, can positively effect the ruin of no one, though it may be generally inconvenient and disagreeable. Since our sheets were closed for the Press, we have received the following from India, which, as containing the injured individual's remarks on the Official Correspondence given, we feel it our painful duty to place on record here:

'THE LATE CALCUTTA CHRONICLE.'

'RUDE TIMES GIVE NOT REASONS.'

Mill's Hist. of Brit. India, 2d Ed. vol. i. p. 255.

'The Proprietor of the late "Calcutta Chronicle" yesterday informed the subscribers to that paper, that a respectable application had been addressed to the Government, praying for a renewal of the license on grounds which, it was hoped, would be successful. He has now to add, that the application has been unsuccessful, and for the information of his friends and the public, he subjoins the correspondence that has passed on the occasion, republishing the first letter of Mr. Secretary Lushington, that the whole may be presented to the reader at one view.

To Mr. William Adam, and Mr. Villiers Holcroft, Proprietors of the Calcutta Chronicle.

'GENTLEMEN,

'General Department.

'The general tenor of the contents of "The Calcutta Chronicle," having been for some time past highly disrespectful to the Government, and to the Honourable the Court of Directors, and that Paper of the 29th instant in particular, comprising several paragraphs in direct violation of the Regulations regarding the Press; I am directed to inform you, that the Right Honourable the Vice-President in Council has resolved, that the license granted to you on the 25th January last, for the printing and publishing of "The Calcutta Chronicle," be cancelled, and it is hereby cancelled accordingly from the present date.

'I am, Gentlemen, your obedient Servant,

'Council Chamber,
31st May, 1827.'

'C. LUSHINGTON,

'Chief Secretary to the Government.'

To Charles Lushington, Esq., Chief Secretary to the Government,

'SIR,—I have the honour to acknowledge the receipt of your letter of this date, informing me that the license of "The Calcutta Chronicle" is cancelled by the Right Honourable the Vice-President in Council.

'As his Lordship in Council has not seen fit to indicate the particular articles or paragraphs that have brought upon me this heavy expression of his displeasure, I am at a loss to know wherein my offence consists, what are the violations of the Press Regulation, to which his Lordship refers, or in what respects the general tenor of the paper has been considered as highly disrespectful to the Government and to the Honourable the Court of Directors.

'I beg to call to the recollection of his Lordship in Council, that the rules attached to the Press Regulation are expressly declared to "impose no irksome restraints on the publication and discussion of any matters of general interest relating to European and Indian affairs, provided they are conducted with the temper and decorum which the Government has a right to expect from those living under its protection; neither do they preclude individuals from offering, in a temperate and decorous manner, through the channel of the public newspapers or other periodical works, their own views and sentiments relative to matters affecting the interests of the community." With profound deference to his Lordship in Council, I beg to state, that in offering my sentiments relative to matters affecting the interests of the community, I am not conscious of having transgressed the bounds here prescribed.

'I beg respectfully to submit, for the consideration of his Lordship in Council, that in every former case of suppression, several previous admonitions have been given; whereas, in the present case, although I am informed that the general tenor of the contents of "The Calcutta Chronicle" has been considered, for some time past, highly disrespectful, yet the withdrawal of the license is sudden and unexpected, and has not been preceded by any authoritative warning, to which it would have been at once my duty, my interest, and my inclination to attend.

'Knowing the difficulties and dangers that beset the path of an Indian Editor, I was originally induced to allow my name to be sent into Government, in that character, with extreme unwillingness, which was vanquished chiefly by the hope of being instrumental in saving from destruction the property of a poor man, vested in a paper that had incurred the displeasure of Government; and the leniency shown by Government in that case, subsequently, encouraged me to

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AN APPEAL TO ENGLAND AGAINST THE NEW INDIAN STAMP ACT.

A VERY able and interesting pamphlet, under this title, has been published during the past month, by Mr. Ridgway; and if sufficient pains be taken to give it extensive circulation, it cannot fail to excite in English bosoms some sympathy with those whose cause it so feelingly portrays, and ably advocates. In addition to the question of the Stamp Act, which is argued legally, politically, and commercially, there are contained, in this pamphlet, observations on the condition of British subjects, under the Government of the East India Company, which are pregnant with important matter, and cannot be made too generally known. As we have already expressed our own opinions on the particular measure respecting which this appeal to England is made, we shall, instead of repeating them, give an analysis of the pamphlet before us, in the sentiments of which we heartily and entirely coincide, connecting the several portions of it which we mean to extract, by such explanations as shall place the substance of the whole before the reader.

After a preface of 16 pages, stating the causes and object of the publication, the Appeal commences by announcing the edict of the Indian Government, for raising a revenue by means of stamps, and thus enumerates the objections to such a measure.

‘It is peculiarly ill suited to the habits and the multifarious small transactions of the two or three hundred thousand Natives who compose the bulk of our city population. It bears peculiarly hard on the infant commerce of an infant and dependent state. It is especially ill timed, as coming into operation in the second year of profound peace, following a most expensive and ruinous war, which has not only dissipated millions in expenditure, but absorbed, by loans, which are still kept open, vast sums of individual saving and capital, that heretofore used to seek the channels of commerce and reproductive industry. It is impolitic, as adding to the burdens and to the difficulties of trade and manufactures, at a moment when they are in a languishing condition among us, consequent upon the

Oriental Herald, Vol. 16.

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effects of the late war, and the reaction of those tremendous shocks which commerce and confidence have recently sustained in Europe and America. It is unwise in respect to the *Company*, as showing, in glaring colours, towards the expiration of their charter, the *non-identity* of interests between governors and governed, where the former are not only great monopolists and traffickers, but owners of the universal rent of land, avowedly holding their lease of the country on the principle of a private estate or plantation, from which they are to extract all the profit they can, without rendering account to the governed, and without reference to the *necessary* charges of governing and maintaining. It is foolish, as leading to the renewal of ancient questions and feuds with the King's Supreme Court here, which was planted among us in 1774, expressly as a counterbalance and protection against illegal acts and doubtful exactions of the Company's governments. It is imprudent, as giving rise to the mooted of many grave and curious points, touching actual and future relations between the delegated local authority of the Company's temporary and trading government, and the subjects of the King in India—in India now *formally* recognised as a royal possession by the last charter of 1813. It is inconsiderate, because the Natives hold this new and *unaccustomed* species of taxation in especial abhorrence, and have before *twice* successfully resisted or evaded it, when attempted to be applied to the 'Moffussil,' (or provinces out of the jurisdiction and protection of the King's courts,) where the Company exercise absolute authority.

'But these considerations, though all of them most important, are not what we chiefly desire should attract the attention of our fellow-subjects in England at this moment.

'In this stage of our pleading, we pass by the political and economical defects of law stamps, and taxes on justice in any shape; the heavy bearing of taxes on transfers of property in relation to the *net* revenue they produce, and to the charges of levying; and the vexations and impediments they throw in the way of business, and of the growth and accumulation of capital.

'Our primary object is a higher one;—we would fain interest our countrymen, if we can, in the struggle we are endeavouring to make against our Indian "Stamp Act," as being *ILLEGAL* and *UNCONSTITUTIONAL*. It is here we desire to make our stand—to resist by all *lawful* means in our power this first instance of a local impost, levied, as we aver, by incompetent authority; on grounds that are to justify hereafter the imposition of direct and indirect taxes of every kind and degree, without our concurrence, or even our *previous knowledge* of the meditated imposts, and with no other limitation than the declared will and pleasure of the authorities set over us. In the nomination of those authorities we have no voice;—of their proceedings we are allowed to know nothing;—their

wants we have no means of appreciating ;—they are men with whom, from the *absence of institutions of any description*, we have no organ of communication, far less a due influence proportioned to property ; and, to sum up all, they have the most absolute power over our persons and fortunes, and can put down all opposition offered to their will in the shape of petitions, writings, printing, speaking, or actions in court, by the summary deportation of any obnoxious European at a moment's notice, and without cause assigned.

The writer next passes to the consideration of the manner in which the Supreme Council in India is formed, and states, in a very accurate and forcible manner, the reasons why a body so constituted is unfit to be intrusted with an unlimited power of taxation ; as such a corporation directly adds to its wealth, as well as its patronage, by increase of taxes, without being accountable to the people for its expenditure, or under more than a mere nominal responsibility to any other power :

‘ If any net revenue or surplus arises, such a government is not bound to remit taxes in proportion ; on the contrary, the narrow and ignorant policy of England has been, that such should be remitted thither as tribute, and appropriated to the conquerors. In short, a conquest India is, and as a conquest she has been treated. This pernicious tendency and spirit of the Government is not allowed to receive its natural compensatory mitigation by transference of the arts, the example, the skill, the intelligence, the capital, and industry of the superior country and race into the inferior. All settling, all colonizing, all resort to the country, all security of remaining when there, all *interloping*, is rigorously prohibited, except to a favoured handful of Europeans, who are unlawfully bound, by indentures, to yield up, as the Company allege, every privilege and birth-right under the terrible alternative of banishment from property, family, and connections, in the event of giving umbrage to the Company, or its servants abroad !

‘ Thus the local council of Government, from the nature of the close anti-colonial and proprietary system, feebly checked at best by the controlling board of Indian ministers, is naturally and essentially opposed to the interests of the conquered ; and it is more particularly opposed to the interests of the inhabitants of the metropolitan cities of British India, because these are possessed of more intelligence, spirit, and wealth, than the mass of the provincial population—because they are in *some degree* protected by the King's courts, and because these cities are the great centres of intercourse, trade, and connections with the mother country. What checks, what guarantees, what influences exist, on the part of any class of the inhabitants, to countervail such a system, or to work on the individuals who compose its little oligarchy of a council ? Literally none. We have not even the benefit of a King's chief Judge or

Chancellor sitting in that body, as in most *royal* dependencies where there is no colonial assembly. The commanders-in-chief are civil ciphers—the governors diplomatists, who look to the Company for the usual close of their services, a pension—the two other members are the Company's own dependents, not merely from habits of long life and gratitude for selection, but from present hopes of prolonged enjoyment of lucrative office, if they give satisfaction, and future hopes of succession to directorships at home on the strength of solicitude abroad for "*the Company's interest.*"

'If we had the nomination, by election among citizens of *large* property, or by any other means, of even a single member in council to represent and watch over our interests—nay, if there were even a single non-military member in council whom we could consider independent of the Company, and of that powerful "*aristocracy of place,*" the civil service, we might be satisfied, for some years to come, at least, to leave the power of taxation, and our fates and fortunes, in the hands of such a council. But, constituted as that is, and while India remains excluded from almost any share of parliamentary or ministerial attention, and leased out to a corporation, (a mercantile one especially,) we must loudly claim not to be delivered over, bound hand and foot, to the tender mercies of such a body, harsh, haughty, arbitrary, partial, and above all *secret* in its proceedings towards the subject, with whom it has, and can have, no sympathies—nothing in common.

'It is our firm belief that Parliament never contemplated that we should be so delivered over, or that the power of *unlimited* taxation should be conferred on the local Governments jointly with their masters, the Directors and the Board of Control. We find no enactment to that effect in any of the statutes. We collect no such intention from any thing let fall by members of either House in debate; nor is it, indeed, likely that an English Parliament would ever delegate such wide-sweeping power to *any* inferior authority whatever. But if its habitual and salutary jealousy of its own exclusive "*power of the purse*" had ever given way, so extraordinary a grant would have been fully, explicitly, and even apologetically conferred, instead of being left to be gathered and inferred by implication. Yet, on no better foundation rests the power, now first assumed, of taxing without limitation of any kind, by authority of this Government, (under private sanction of the Court of Directors and the Board of Control,) within the city of Calcutta.'

To this follows a clear and succinct history of the settlement of the town or city of Calcutta, showing it to have been entirely of English origin, founded *before* the East India Company effected any territorial conquests in Bengal, and before the Emperor of Hindoostan legalized these conquests, by conferring the government of them on the Company; and proving clearly, that from this distinction, as well as that of having a King's court of justice, it was not intended

that it, Calcutta, should be subject to the unlimited power of the Company's Government, as the provinces of the interior. Of the benefits of this exemption, and of the influence of the King's Court at the Presidency, the writer thus speaks :

‘ That this legislative circumscription on the vast general powers of the Company's Governments has been most effectual, and not a useless name, is matter of notoriety. It is a practical *veto* in the hands of the Court, in quality of protector of the King's subjects, and guardian of the laws of England against the caprice, sinister interests, and love of power natural to all in authority ; *more* natural to men who wield despotic power every where beyond this little charmed circle ; *most* natural to delegated proprietary, leasehold, and trading governments. It is this LITTLE “*Magna Charta*,” the single rock and refuge of Englishmen in India, in the midst of the overwhelming ocean of sordid and arbitrary power, and under the desertion and neglect of Parliament, which has raised this metropolis to its present vast and splendid position—which has made it the domicile of multitudes of *Native* capitalists, and of many great landholders whose estates are situated in the Mofussil—and which has created, within the memory of man, out of nothing, a prodigious and flourishing commercial port.* We ask, what of all this would have been in existence, had Calcutta been exposed, unprotected, to the fiscal rapacity of a leaseholding Company ? The answer may be taken from what we see passing before our eyes, and around us, in the less fortunate provinces of our Indian empire, in which the Company's thirst for revenue is not restrained by any privileges of the subject, or Parliamentary clog, in their powers of indirect taxation, nor fettered by limitations to the indefinite absorption of the land rents, under a fixed composition of permanent settlement.

‘ It is to this thirst for more money—to this impatience under legal restraints, and under the self-denying ordinance of Lord Cornwallis, that we owe the present bold attempt to fix us with new and indefinite revenue exactions. Hence the heart-burnings at the exemptions of Calcutta ; hence the lamentations over the districts that were allowed to redeem their indefinite land burdens for a fixed heavy quit-rent, and which therefore yield nothing additional by periodical renewals of leases and turns of the fiscal screw, such as the Company continue to exercise on their acquisitions of later date than the permanent settlement, in the face of their own solemn and twice-repeated public pledges. Not content with endeavouring,

* Twenty or twenty-five French ships alone resort hither annually, chiefly for indigo ; an article produced, to the extent of ten or twelve millions of lbs. (worth in Europe about 4,000,000*l.*) *entirely* by private European intelligence and industry, *within forty years*. The annual capital laid out on it by the Calcutta merchants and capitalists is nearly 2,000,000*l.* sterling.

by all ways, to narrow the amount of the protected portions, and prevent extension of the system, they prematurely seek to devise new and indirect taxes in the shape of excises, transits, town duties, house, shop, police and stamp duties, and judicial taxations. For such exactions, even the protected districts cannot yet be ripe, until the prosperity and accumulated capitals of the new-made landholders begin to re-act on the country at large, by giving rise to considerable farmers in the place of wretched *metayers*, and by creating a demand and taste for conveniences and comforts.

‘ The spirit of taxing, once roused, directs its pernicious activity to other places than the protected districts, and the incompatible objects are sought of subjecting the country *at large* to the thousand devices of indirect taxation ; while, at the same time, the “ Oriental ” revenue system is persevered in, of considering that country as a vast estate, of which the Government is landlord, and ought to draw the rents, without being accountable for any surplus, or expected to remit any burdens once imposed on the tenantry.

‘ The same fatal system is naturally pushed into every fresh acquisition of territory. Taxation, according to the notions of the East, is, by a monstrous inversion of right principle, regarded *not* as a contribution from all, proportioned to property, for the unavoidable charges of protection and government, but as a *due*, a property, or right of the state to all it can extort, (leaving a bare subsistence to the cultivator,) and out of which no more is to be expended for the benefit of the subject than is unavoidable. It is grievous to see such a notion as this sanctioned by repeated statutes, providing for the payment of a stipulated sum of this “ surplus revenue ” or “ tribute ” into the British Exchequer ; or, as in the last charter, providing for the division and appropriation of the expected booty in certain *shares* (after paying charges and debts) to the Company and to the Crown ; as if it did not bear sufficiently hard on India to have to pay for *three* governments—the local, the directorial, and the controlling—none of them subject to any check on expenditure by the unfortunate tax *payers*, and all of them zealously concurring in the exclusion of the Native and Creole population from any share in honourable or lucrative public employment ;—all concurring in eagerly preventing India from benefiting by the resort of European capital and skill—in discouraging colonization or permanent residence, even of the Company’s own servants—and in stimulating Europeans of every class to return to England, with their accumulations of capital ; so that the internal administration of the country is constantly shifting into fresh hands, and the exclusion of all sympathies between governors and governed consequently rendered complete.

‘ But the land revenue is not the only financial monster of India : there are two great monopolies not inherited by us from our Mogul

prodeccorsors, but created by English ingenuity,* both of which fall with great severity on a dense population of *paupers*. One of these is particularly grinding, as affecting an article (salt) of primary necessity every where, but no where more so than in India, because the indigent Natives exist on the poorest of diet—a handful of rice or a cake of toasted flour, which are neither palatable nor digestible without the miserable condiment of a pinch of salt. We pass by the details of this odious monopoly; its cruelties, forced labour, smuggling, demoralization, and invasion of individual rights—the unavoidable accompaniments of a system that interdicts all making and dealing in salt, except by and for the Company, in regions that produce nothing else, and where salt low-lands, vast jungles, and a powerful sun, combine to produce that article in indefinite quantity. Let it be sufficient to state the bare fact, that the salt, of which the cost of production is about half a rupee, is bought (at the Company's sales) by the wholesale merchants for four or five rupees; and ultimately retailed to the unhappy consumer on the spot at six, well adulterated † with impurities. The opium monopoly is effected by an equally unjustifiable interference with manufacturing and agricultural industry; its culture is prohibited except at rates fixed by the Company, and for the Company's sole advantage. Its profits are several hundred per cent.

‘ These monopolies, however, are now of some half a century's antiquity, sanctioned by prescriptive and, perhaps, by implied recognition in Acts of Parliament, like the land tax. But a striking proof of the watchful keenness for immediate gain, and for pushing the advantages of an *exhausting* system of revenue to the utmost, may be seen in the eagerness of the Company to extend this system, not only to each fresh conquest, but through the intimidation or bribing of “*protected*” princes, into tracts not our own, where such monopolies had never before cursed the industry of the inhabitants. In our late acquisitions from the Burman monarchy, the blessings of our salt monopoly and land tax are *already* in progress; our salt system is extending elsewhere in every available direction; and we

* The origin of these, as every reader of Indian history knows, was a scheme of Clive's, for adding to the public emoluments of the head Civil and Military Servants, at the expense of the poor consumers. The Honourable Directors indignantly disapproved of such barbarous and illicit exactions of their servants, and forthwith commanded that the profits should be given up—TO THEMSELVES!—Mill, vol. iii. p. 367.

† Such is the poverty of the people, that they prefer the impure brown salt, procured by filtrations through the overflowed mud of the salt marshes, and by a hasty evaporation, to that obtained from the purer sea water and solar evaporation: not because they like the earthy admixture, but because the first is accompanied by a proportion of bitter and pungent saline compounds; and thus they obtain a greater proportion of *seasoning* for their money, in the very small quantity of the article which they can afford themselves.

have prevailed on the independent, dependent, and *semi-dependent* chiefs of the entire region of Central India, for miserable gratuities, to grant us the monopoly of opium in their states, which have long been remarkable for this produce. By this arrangement, an exact parallel with the justly-ridiculed system of the Dutch, in respect to the spice trade, and the command of the whole sea coast, the Company has nearly succeeded in monopolizing this valuable drug all over India.

‘Such being the condition of the whole of India, where the Company has undivided authority, or influence equally powerful with command;—such being the spirit which animates its financiers, the jealousy and covetousness may be readily conceived with which they regard a little spot like the ancient settlement of Calcutta, preserved in some degree from fiscal gripe by British laws, and by a few British privileges, under the guardianship of a tribunal which has something of the nature of a *veto* on the acts of the local Government.

‘The Company have long borne this restraint with impatience, and have endeavoured to weaken and destroy its conservative force in regard to property and person in various ways. At first, the Supreme Court was absurdly obstinate and pugnacious to a degree which gave the Government an advantage, and even a popularity, in that struggle which led to the partial curtailment of the jurisdiction in 1781. Before this, however, the sagacious Warren Hastings had found a quieter mode of neutralizing opposition by gratifying some of the Judges * with lucrative judicial posts *under the Company*.

‘Lord Cornwallis and Lord Teignmouth were little disposed to continue the fight. Lord Wellesley and Chief Justice Anstruther had been fellow-labourers in the days of antijacobin and antigallican phrenzy: owing allegiance to the same patrons, they quietly converted the designed system of irksome checks on the Government into a system of courtly connivance between the executive and judicial powers, which has subsisted *almost* to the present day. Lord Wellesley, a brilliant and able governor, was the most arbitrary of rulers, and the most intolerant of any thing like opposition. A characteristic mark of the spirit which he infused into the Court, is shown in the fact, that he first enacted, and Anstruther first submitted to, a system of “regulating” the press, which sheltered the public conduct of British Judges from the comments and scrutiny of their fellow-citizens. This stigma, (*pudet dicere*!) the Judges have not removed from themselves to the present day.’ †

* Impey, Chief Justice, was made Chief Judge of the Company’s principal Court; and Chambers, Puisnè Justice, was made Judge of a captured European foreign settlement near Calcutta.

† To show how feeble, after all, is the real force of the judicial or legislative *veto*, one memorable instance will suffice, as proving how

The author of the pamphlet next enters on the legal argument against the authority of the Indian Government to tax its fellow English subjects at will, and pursues it at great length through all its bearings. This, however, is a part of the work in which the

much may be done by a designing Government towards weakening its effect; due advantage being taken of times and seasons, and the characters of the Judges. The press, in the great cities of Calcutta, Madras, and Bombay, was in all time *legally* free, because English law alone prevailed there. Yet the press was *really* fettered, through the intimidation wielded by governors, who have the power of shipping off, and so of utterly ruining in one hour, any British-born subject, without reason assigned—subject, indeed, to the mockery of Parliamentary responsibility. But when Creoles and non-British-born men began to acquire knowledge and property, to edit journals and write critiques, there was no method of getting rid of *them*, nor any of putting them down, except by the regular processes of the English libel law, pretty severe in itself, and always ruinous in its costs,* in a country where law is thrice as dear as in England. Governments, however, have an instinctive aversion to the publicity, the canvassings, and the scandal of judicial process, where more silent methods may serve their purposes; yet no Governor in India, till a Company's servant (Adam) by chance filled that post, during a brief vacancy in 1823, ventured to insult the King's Judges, by asking them to approve and register, as "not repugnant to the laws of England," an act for summary forfeitures, and licenses of printing presses, at the will of Government, without trial or cause shown. An unlooked-for accident, however, placed the whole powers of the Supreme Court in the hands of a single Puisné Judge (Macnaughten), and he readily met the wishes of his *temporary contemporary* in the Government. Between them they got up and registered the desired edict. It was confirmed joyfully by the Directors and Board of Control, and sanctioned, on appeal, by a Privy Council, composed in a great measure of members sitting judicially, who had previously approved it in their ministerial capacities:† it is now declared English law in Calcutta. The Directors and Board of Control, backed by such high authority, forthwith enjoined their governors at Madras and Bombay to get similar edicts of "*judge-made law*" passed by their respective Courts. The Governor of Bombay (Elphinstone) tried, but was met by a signal and disgraceful repulse; two of the three Judges denying that even the authority of the Privy Council could make an edict "repugnant (as this was) to the laws of England;" and the third assenting to the entire illegality and wantonness of the measure, and only voting for the registry because he thought himself judicially bound by that authority. At Madras, the more cautious

* Sir John Malcolm, in the *politic* second edition of his Political History, vol ii. p. 293, gives, with all the *sang-froid* of a Governor about to be, the receipt for ruining a refractory journalist, by the mere costs of repeated prosecutions, as practised successfully in India before Governors were armed with the power of deportation.

† In the 'Bengal Chronicle' of December 1826, which had sentence of suppression passed on it for publishing a list of the members present in this memorable Council, are enumerated four members of the Board of Control, three Cabinet Ministers, including the Chancellor's Deputy, Lord Stowell, three Chiefs of the Common Law Courts, a civilian, and an Ex-Chief Justice of Bengal.

people of England in general will take but little interest, though it may weigh with Parliament in considering the question; and is therefore proper to be stated as a portion of the Appeal. After going through these arguments *seriatim*, the writer supposes some one to ask, 'But what have the inhabitants of Calcutta, as a community, to do with this?' His answer to which contains the following melancholy and humiliating admissions:

'The Government never condescends to hold communication with us, except by proclamations, by taxing edicts, and by commands. *All* its proceedings are kept profoundly secret from us; we have no share in its councils, and ought not to be in any wise responsible for, or sufferers by, its failures. The person and property of every Englishman under its rule lies at the mercy of those who may imprison and banish us at discretion. We exist here but by sufferance; and we are unceasingly and unsparingly reminded of our tenure by the Government and its tools, if ever we murmur against its sovereign will and pleasure. We have no voice in the nomination of those set over us. From one end of India to the other, no subject of England, European or Indian, has any thing to say in the choice of one single functionary, from the councillor or judge down to the lowest police myrmidon. No aristocracy—no corporations—no collegiate bodies—no "institutions"—no public bodies exist among us, who might influence Government, or through whom Government might hold communication with its subjects, even in the metropolis, if it were disposed to this condescension. We are forbidden to censure the public conduct of any in authority, even of our Judges, under pain of destruction to the printer's property, and deportation of the European offender. We are forbidden to meet in the legal and constitutional form, under menaces of the like extreme punishment, and of the Court of Directors'* "high displeasure." We have not even any orga-

Governor (Munro) first sounded indirectly, and refrained from exposing himself and his employers to the mortification of a public defeat, when he found that the Judges on that bench were not likely to consent to the registry of the edict, if presented formally. Under this whimsical anomaly, the fruit of mere accident, the press is fettered, "by English law," in the great metropolis of Calcutta, and is free, "by English law," in the minor settlements of Madras and Bombay! Where are we to seek for the *true* "English law," under such circumstances? Apparently in the passions, tempers, and intrigues of Judges and Governors!

Yet even this curious history, and the circumstances under which a partial inroad was effected on law and on the ancient rights of the inhabitants, sufficiently show that the *veto* of the King's Court is some check on the Government, and may be of substantial value in the hands of courageous and independent Judges. We cling to it, therefore, with a pertinacity only equalled by the anxiety of the Company's servants to break it down or sap its efficacy.

* See the Sheriff's announcement to the requisitionists, that the

nized or sure method of communicating our grievances to any of the national or Indian authorities in England. And is it from a community so situated—at the mercy of a haughty, secret, and arbitrary power, which is only kept under by some slender apprehensions of public odium in England, and harassing discussions there, not by any tenderness for us—is it from such a community that sympathy is expected for the wants and necessities of masters, who own no reciprocal sympathies towards those they rule? If we are to be taunted every day, as possessing none of the rights of a public, even-handed justice, at the least, demands that we shall not be called upon in time of need to pay the contributions of a public, or to testify the feelings of one. If we have nothing to do with the laws but to obey them, those who would reduce us to a point in the scale so nearly approaching the servile state, must be content to reap as they sow—to put up with the bad as well as the good qualities of our condition.'

It is then shown, that, notwithstanding all these disabilities, the inhabitants of Calcutta already pay largely in taxes to the support of this paternal Government. 'Nevertheless,' say its functionaries, 'they ought to pay still more.' To this it is forcibly replied :

'But we are content to meet the adversary on broader ground, and to maintain, not merely that Englishmen pay *enough*, but pay *too much*, for the degree and amount of benefits derived from the Company's paternal rule. It is the more necessary to meet this sixth proposition fully, because the position taken up is plausible, and wears even a popular face. If, indeed, the Company's servants could make good their ground, and satisfy the public of England that we are cherished and fostered by the best of governments, yet ungratefully refuse to pay our just quota of expense for so many blessings as we taste, with what decency could we come before Parliament to protect us against a claim so reasonable? The *quid pro quo* is asked of us; nothing can be fairer. But what is the real value of this *quid pro quo* to an Englishman in India, not being within the pale of the Company's service? If our ingratitude is to be measured by the standard of benefits conferred on us, the first process, obviously, towards arriving at the truth, is to gauge accurately the dimensions of these boasted obligations with which we are graciously loaded.

'This may readily be done by a summary enumeration of the *privations* and the *hazards* to person and property, which every Englishman dwelling under the East India Company's beneficent flag has to endure. If it be said, in palliation of the evils in this frightful catalogue, that they are the conditions of a servitude which we voluntarily take upon us, and if apathy or habit have disciplined

meeting which he had called was forbidden by Secretary Lushington, under instructions from the Court of Directors of 1806.

down English ears to the point of admitting *that* to be a sufficient excuse for those who inflict such degradations on their distant countrymen, we have but this to urge in reply :

“ We emigrated hither by choice, if that be indeed a free option which compels the swarming of the hive when population within presses on subsistence, and every occupation at home is overstocked with competitors. We were not wholly ignorant of the disabilities which we were to incur abroad ; but, forbidden to colonize or settle in India, we looked for something of compensation—to exemption from certain local burdens, and to the hope of returning, enriched ourselves, to enrich our mother country. Deeply as we cannot but feel the privations and the degradations of our condition, we are not *now* appealing against these ; we are but stating facts undeniable in themselves, though little known to England. But we do complain, and loudly too, that while all these disadvantages are continued in undiminished or increasing force, our compensation is withdrawn, and we are distinctly menaced with taxation, the amount and shape of which, we are told, is to depend solely on the will and pleasure of arbitrary task-makers, who own no sympathies with us, nor we with them. If we are henceforward to be vexed with all the novelties and devices of taxation, as in England, grant us that freedom and those privileges which alone enable Englishmen to support a burden that otherwise would pass endurance.”

‘ The enumeration of disabilities follows :

‘ 1. An Englishman is not free to resort to the British possessions in India, but by license, revokable at will by the granters, (the Company,) or by their servants abroad. The permission is only obtained with great difficulty, and as a favour, clogged with forms and fees, and with indentures which are interpreted as tying down the tolerated interloper to submit himself unreservedly to any regulations or mandates of the local Governments, whether binding or not, in strictness of law.

‘ 2. Being in India, “ your free-born Englishman ” is liable to instant transportation, not merely out of India, but all the way to England, as a close prisoner on board a Company’s ship, on the footing and with no better treatment than a common soldier or sailor, unless he can pay heavily for better accommodation.* He may be sent, in this way, from India round half the globe, by China† or Bencoolen.‡ The Indian Governments contend, that he may be kept closely imprisoned, for an unlimited time, until they can ship him off.§ All this cruelty and wrong is inflicted at the simple will

* Case of Fair, transported from Bombay by Governor Elphinstone.—West, C. Justice ; Chambers, P. Justice.

† Case of Fair—*supra*.

‡ Case of Arnot, Calcutta, 1823-4, twice banished.

§ Case of Arnot—*supra*. Case of Dr. Maclean, Calcutta, 1778. Case of Duane, 1792. Lords Wellesley and Cornwallis, Governors-General.

and pleasure of any Governor, without the obligation of assigning a reason to the sufferer, whose property, invested and scattered in all imaginable ways, is therefore as much at the mercy of irresponsible power as his person. *

‘ 3. An Englishman in India is forbidden to travel, or to go ten miles distance from Calcutta, Madras, or Bombay, without special leave : if found beyond that limit, without the requisite passports, he may be seized by the meanest retainer of the Government, imprisoned, and sent back to his bounds. Refreshing Proclamations to this effect are periodically issued† in all the gazettes, with a view, perhaps, of keeping up the respect for the European character in the eyes of the Natives of India, which the Company are prompt to assure us (when it suits their purpose) is so essential to the support of our “ empire of opinion !” Independently of the wantonness and folly of this local restriction, so dearly cherished by the Company and its servants abroad, we ask, with what shadow of justice is it that Secretary Prinsep claims to call on Englishmen, who are thus confined to Calcutta, and barred from free access, for themselves and their industry, to the provinces, for taxes and contributions to *general* and *provincial* purposes of state government ? The petitioners broadly affirm, that one of the reasons why Parliament *could* not mean to subject them to *general* taxation, was, because they were thus precluded from general access to the provinces. On this argument they strongly rely ; and, in proof of the correctness of their view of the intention of Parliament, they quote the remarkable fact, that the only duties distinctly and specifically imposed on them are the customs of their port of Calcutta, and the house-tax, for municipal and police purposes, imposed by the King’s justices of peace for the city.

‘ 4. An Englishman is not only forbidden to resort to or pursue his private occupations in any district without special license from a secretary, but he may not so much as pass on business or pleasure into an adjacent district without similar permission. All these licenses may be capriciously recalled at will. It is needless to add, they *may* be abused by local authorities to purposes of official pique or private quarrel, where one party only has the ear of Government and in a frame of society in which all office and authority, provincial as well as metropolitan, from the top of the scale to the bottom,— political, judicial, fiscal, commercial, and police, may be accurately described as the patrimony of a particular caste. That caste, educated apart from others, and in early youth trained to the peculiar habits and ideas of the service for which it is destined, rises in em-

* Case of Buckingham, Calcutta, 1823 ; deported by Adam, Acting Governor-General.

† For a Bengal specimen, see Appendix No. XVIII. Those of Madras and Bombay, where the Governors are *Company’s own servants*, are still more severe and overbearing.

ployment by seniority ; and the members are naturally imbued with a strong *esprit-de-corps* in favour of their own order, and with an opposite feeling for "*interlopers*." Many of these intruders in the provinces, in point of personal qualifications, as well as the accidents of birth and fortune, tread too closely on the heels of the district functionaries to be regarded as desirable neighbours ; their eyes, too, are more open to what passes around them than those of the obsequious Native population. Being greatly dependent on the cordiality and goodwill of the Native and Creole inhabitants, among whom they exercise their industry and diffuse their capital, a sense of common interest, if no higher motive be present, engenders mutual sympathies, and gives the European planter a natural weight in his district, by no means agreeable to the man in office, if he be a person of ordinary mind. But for the strict fetters on the liberty of discussion, which *happily* turn the balance again in favour of authority, there is no telling how much benefit might not be mischievously wrought out of this inconvenient rivalry between the two classes of functionary and non-functionary Europeans, in the hands of a benevolent and impartial government. The almost universal hostility of the functionary class towards the press may be comprehended without much difficulty ; but a simple man might possibly marvel why the same hostility should be felt by the *benevolent* masters of this class, and still more so by the *masters of those masters* at the distance of ten thousand miles !

‘ 5. An Englishman in India may not manufacture salt or opium, two of its great staples ; he may not even openly purchase salt at the Company’s public sales ; he may not deal in any foreign opium or salt ; he may not trade in tea without a license ; his sugars and rums, and other produce, are excluded from competition with the West India and Mauritius produce at home, and even in New South Wales.

‘ 6. An Englishman may not settle, colonise, invest his fate or his fortune, in the soil of India ; he must not hold or farm lands. This is the great and standing law of the land, enacted in 1793, and confirmed again and again by the Company, who regard this, and the power of summary deportation, as the corner-stones of their existence. One or two rare and special exceptions, slowly granted for clearing a salt wilderness, or trying an experimental plantation, do but confirm the general rule ; but till that rule is abolished utterly, no agricultural advancement can have place in India, and we must go on, content with producing bad sugar and worse cotton !

‘ 7. Englishmen in India may not meet together in bodies to consult for their common protection or advantage, without special leave from Government. How likely it is that such license will be given, (except for the usual, and always agreeable purposes, of besmearing with valueless adulation their rulers, past, present, and future,) may be seen by the obstacles of every sort which, on the present occasion,

have been thrown in the way of the petitioners to Parliament. It is true, they have persisted in meeting; and a petition has been persevered in by an unexpected effort of unanimity and spirit, that has struck a note of alarm through the whole ranks of Government functionaries; but this high effort has been achieved under peril of the "HIGH DISPLEASURE" of the Mock Majesty of Leadenhall Street,* denounced against the delinquents, in menacing letters to the Sheriff of Calcutta, and proclamations in the Government Gazette. "*High displeasure*," in the dialect of the Company, being interpreted into plain English, means deportation of the European offenders; and if these happen to have been too numerous and respectable to render so sweeping a vindication of insulted dignity safe or prudent, we have to thank the fears, and not the good intentions, of those who possess, beyond question, under 53 Geo. III., full power to turn every European out of the country, by a simple warrant to a town-major, under hand and seal.

'8. Europeans in India are not only intimidated from giving free vent to their opinions in speech and writing; they are, further, expressly forbidden to communicate their thoughts by printing, under pain of banishment and ruin, which, in offences of this nature, have often been shown to be no empty threat. The circumstances under which this prohibition was obtained by a Company's Governor, from a King's Judge, have been stated elsewhere. Here it may suffice to call the attention of thinking men to the mischievous effects of this gagging bill on the population of India, whose persons and property are, more or less, at the mercy of so many men, linked together in authority, all over the country—men who have so little to fear from superiors of their own caste, for any abuses or vexations they may commit, and who are restrained only (where they are restrained at all) by dread of public opinion. Hypocrisy or fatuity may assert that the press of England is an efficient check of Indian misrule, as if that engine could be brought into effectual play without being fed by information, and directed by opinions fully and freely expressed on the spot! or, as if it had been found so easy a matter heretofore to divert the smallest portion of English sympathy or newspaper

* Let the reader judge of the spirit which animates twenty-four English gentlemen in the nineteenth century, in their administration of a great dependency of the empire, by the following quotation:

'Those orders' (of the Directors) 'render it imperative on the local Government to prohibit "*all deliberative assemblies*" of persons residing in India under the license and protection' (*protection!*) 'of the Honourable Company, and more especially such as have for their avowed object the consideration of the *extent of the powers of the Supreme Government.*' Secretary Lushington to Sheriff Plowden, 10th of May, 1827.—Appendix, No. IX. Query—After this specimen, will Parliament renew the Company's lease?"

Oriental Herald, Vol. 16.

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vigilance from nearer and dearer interests and passions at home, to the distant and uninteresting concerns of India!

‘ In all the discussions that have lately taken place on this important topic of the Indian press, its wily adversaries have incessantly and successfully laboured to give a *political* character to the question, and so to work on the fears and the passions of the “most thinking people” of England, who know little, and care less, about India, and are content to surrender their judgments to the guidance of the very men who have a manifest and sinister interest in extending their own power, and silencing all remonstrance and complaint.*

* To those who gravely discourse to us of a colonial pro-consul’s after-responsibility to courts, privy councils, or Lords and Commons, we may be permitted to answer with a smile; or, if that be indecorous, we may simply remind them, that not merely the ordinary charges of English law, but triple costs, are inflicted on the plaintiff who shall fail in his action; and that, considering the power of the adversary, and the distance of time and place, it is next to impossible a complainant should *not* fail in procuring evidence of *legal malice*, such as alone will satisfy the technical scruples of King’s Bench Judges. As to the Privy Council, or Parliamentary Committees, a majority of the members on any occasion will *usually* consist of the very functionaries who have already sanctioned the wrong in their executive capacities.* As for Parliament itself, with due reverence be it spoken, when may poor and helpless individuals hope for justice from that illustrious body against the powerful India Company, or a noble Governor? Too true it is, that ever since the creation of a Ministerial Board of Control, there is no longer the disposition to scrutinize the oppressions of the Company or their servants; with every act of these the President of the Board of Control naturally identifies himself, and Ministers with *him*, and the majority of Parliament with *them*.

There is, in truth, no check on the abuse of this monstrous power of transportation, but the temper and personal gentleness occasionally of a Governor, with some apprehensiveness of public opinion in England, when fortunately the Governor happens to be a nobleman, having an *English* reputation at stake, and habituated to pay some deference to the feelings of his countrymen. As to Company’s servants, who have spent their lives in India, and to whom notoriety, even for abuse of power, is often the only chance they have of being known in England at all, they are but too ready to exercise this atrocious violence, whenever power falls into their hands and opportunity serves. We have seen one of them wield it to intimidate refractory jurors or magistrates,† and another employ it to consummate the ruin of a mercantile house which had the misfortune to incur “high displeasure.”‡ In truth, it is an engine of power too monstrous to be intrusted in the hands of any man, or any

* Case of Buckingham. Appeal to the King in Council, 1825; and twice to the House of Commons, 1824-26.

† Case of Parry, at Madras, 1809-10.—Barlow, Governor.

‡ Case of Lamb and Rumbold, 1823. Hyderabad Papers, William Palmer and Co.—Adam, Governor-General; Metcalfe, Resident.

'9. An Englishman in India, besides being deprived of the chief benefits of the Habeas Corpus Act, by means of the wide and sweeping engine of summary transportation without trial, is further deprived of the advantage of trial by jury, in all civil cases. The

set of men;—it is applicable to every illegal or odious purpose;—it may serve to dispose of a troublesome litigant, who presumes to question civil matters in the King's Court with Government or the Company's servants;* and it is as useful to punish those whom law would not castigate,† as to get quietly rid of those whom law might visit too severely;‡ it has been known to stand in the place of a society for the suppression of vice—to exert its virtuous indignation against the frailties of females in humble life, or to frown on the illicit importation of a "stage player."§ It is but the other day we have seen intimidation in this shape brought into play against the abhorred free trade, by the most absurd and extravagant petty government in all the world—that of Penang; which, among numberless other vexations, has chosen to commence questioning the *titles* to residence of the enterprising adventurers from Liverpool and London, who have raised out of nothing that new and flourishing seat of commerce, Singapore.

The mischiefs of this detestable power of summary banishment are not to be measured by its completed and published acts only, but by its terrors, its open menaces,|| or well-understood *hints*. It is as corrupting to those who employ it, as degrading to the unhappy victims against whom it is directed. It stands naked and alone in the place of all law,¶ supersedes all necessity of good government, and is the consolation and refuge of all evil judges or inept or culpable administrators;—it silences honest opinion, puts down independent criticism, intercepts useful information, quiets the vehemence of defence, and gags the clamours of complaint. The hackneyed grounds on which it is pretended to be justified, are all of them contemptible and unreal, existing only in the terrified imaginations of the weak, or the devices and desires of the wicked; for he is wicked who loves power over his fellows for power's sake; and, disguise it how we will, love of power, and nothing else, is the true object for which the Company and its servants cling so tenaciously to this precious remnant of exploded monopoly. Sooner or later, the odious power, however, *must* be given up, or *will* be wrung from them by the roused spirit of England: until that consummation shall take effect, it is frivolous to talk, and fruitless to hope, for really good government or for substantial improvement in India.

* Proceedings at Madras, 1809-10—Carnatic Debts.—Barlow, Governor; Strange, Chief Justice.

† Case of the two brothers, Betts, indigo planters, deported for a breach of the peace, which the law would have visited with fine or imprisonment in a Creole or Native; 1824, Bengal.—Lord Amherst, Governor-General.

‡ Cases of Lindsay for swindling, and of the three Pedernasts, Bengal.—1820-21.—Lord Hastings, Governor-General. Cases of Revely and of Hallburton, the Sheriff of Prince of Wales's Island, both private merchants, 1827.—Fullerton, Governor.

§ Case of Lee Lewis, Bengal, 1791.

|| Cases of Buckingham, Bombay, 1816.—Nepean, Governor; of Serampore Missionaries, Bengal, 1808.—Lord Minto, Governor-General.

¶ Cases of Williamson, Bengal, 1796.—Shore, Governor-General; of Leet-hart, Bengal, 1809.—Lord Minto, Governor-General.

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Bench of Judges took on themselves, on their first arrival in 1774, to exercise the functions of civil jurors, under a construction of the Royal Charter, which was strenuously disputed at the time, both at their own bar, and in fruitless petitions to Parliament. The only good reason assigned for the usurpation was the scarcity of competent men to sit on juries—an objection which no longer exists in Calcutta.* It is an undoubted grievance for an Englishman to be barred of this important birthright. There are many issues of fact, connected with equity suits, and there are numerous questions of damages between parties which can never be adjusted *satisfactorily* but by the verdict of fellow-citizens.†

‘ If a system of indirect taxation, enforced by actions and penalties, and exchequer proceedings, such as this Stamp Act abundantly promises us, shall be established, this grievance will be infinitely aggravated, since the Government will become, in fact, *parties* in a multitude of civil suits with individuals, which it would be contrary to all constitutional law and justice to leave in the hands of two or three Judges, holding their places at the pleasure of the Indian Minister—the approver of the law.

‘ There have been, and there are, individuals on the Indian Bench who would do honour to any Court in England; but history already tells us of some, and does *not yet* tell us of others, concerning whom so much could not safely be said.

‘ It is not the least inconvenience of the system, that the Bench, when full, only consists of three Judges—a despicable economy having lopped off the fourth. In consequence, deaths and periodical retirements, (without any provision for filling vacancies on the spot,) leave us frequently with only two Judges, and not unfrequently with but one on the bench. Even with two present, the judgments of the Court and its verdicts, in quality of Jury, are the judgments and verdicts of a single Judge—the senior. At his mercy, for the time being, lie laws and liberties,‡ person, property,

* Mr. Wynn’s Jury Bill, 1826, excellent so far as it goes, provides an abundant supply of *criminal* jurors, but says nothing of *civil* juries.

† An innocent man, libelled, is deterred from bringing his action—the only mode of *truly* clearing his character, (as it admits of justification,) because he is taunted as seeking a *bench* verdict, and being afraid to go before a *jury*. If he indicts the libeller before a *jury*, he is taunted with taking a course which hinders all justification of the libel!!

‡ Strange, C. J., Madras, 1809, (two Judges present, and Sullivan, P. J., strongly dissenting,) ruled that Governor Barlow should be suffered to prevent the printing of a trial in which a Jury had given a verdict obnoxious to his Government.

Macnaughten, P. J., (alone on the Bench,) Bengal, 1823, passed the law for subjecting the press to Government Licenses, revocable at pleasure; while a full Bench, at Bombay, (1826, West, C. J.,) declared the same regulation repugnant to law!

and even life, inasmuch as the sole prerogative of pardon, or commutation in criminal matters, is vested, not in the Executive, but in the Court itself. Nor should it be forgotten, in estimating this grievance of a scanty Bench, that from the systematic negligence and apathy about Indian affairs which so remarkably characterise the legislation of England for this great dependency, the Court is left to exercise a far wider power of interpreting,* defining, and making laws, than consists with sound principles, or becomes the judicial office in well-regulated policies.

* 10. An Englishman, in India, is liable to imprisonment for life, in the event of failure in business, as there are no bankrupt or general insolvent laws in force. He is entirely at the mercy of any creditor; and this is one of the perils, or hazards, or disabilities of his condition in India, compared with his position in his own country. It is a disadvantage from which the natives in the provinces are comparatively free.

* 11. To sum up the catalogue of disadvantages, either directly imposed by the acts of the authorities at home and on the spot, or suffered to remain in force, without any zealous endeavour of the highly-influential Governments in India to have these disadvantages removed, Englishmen in India have no voice in the choice of any men, or any measures; no *organs* for holding communication, or expressing their thoughts and wishes to the powers that be, here or in England. They are now declared liable to *secretly devised* taxation, unlimited in kind or degree; they exist but by sufferance in the country, and are subjected to the closest surveillance and jealous watchfulness while they remain. If they are protected by the military power of the Government from the personal perils and hazards of war, their property is subjected to the most violent and sudden fluctuations, by the financial measures consequent to rash, ill-managed, or unsuccessful hostilities. Even in times of profound

* Case of Nundcomar, 1776. English Statute Law of forgery declared applicable to India. Impey, C. J., convicted and executed him. The Statute Geo. II. has since been declared *not* to apply to India! and forgery is punished only with transportation. See Mill, vol. iii. p. 563.

Case of Grant, Bengal, 1809, Russell, C. J. Law of arson declared applicable. Capital conviction followed on this boyish frolic of a mischievous Cadet! Sentence commuted to transportation to New South Wales.

Cases of Duane, 1793, Bengal, Chambers, C. J.; and Arnot, Bengal, 1823, Macnaughten, P. J. (two Judges present). Similar cases of Habeas Corpus, to decide if Government could imprison indefinitely. The two decisions contradictory to each other in every point! Query—Which is *now* the true law?

See cases, recently, of landed tenures, (1827, Grey, C. J., Bengal,) the subject of petition now before Parliament, as having unsettled all former decisions. See also numerous cases in the Supreme Court, declaring, *pro re nata*, what English laws were and were not applicable to India.

peace, when the public treasury is overflowing, and surpluses and tributes are under remittance to England, individual property is exposed to sudden, unequal, and extreme fluctuations, owing to the cautious and profound secrecy with which a reserved and haughty Government—as if to show, in the strongest light, the opposition of interests between its subjects and itself—devises and executes its financial operations on the public debt.

‘ In countries where the government reflects, and represents the governed, measures for raising or paying off loans, and for increasing or reducing rates of public interest or exchange, are conducted with a publicity which gives time and opportunity for deliberation and choice; which has the effect of more or less equalizing and distributing the individual losses which must follow in the train of such financial arrangements, however necessary and laudable. Under our close system of Indian Government, very opposite effects are produced; and these bear by so much the more severely on Englishmen, because they cannot invest their fortunes in landed estates, but are *obliged* to have recourse to the public stocks, as the best available security for trust funds, settlements, partnerships, societies, foundations, and the like.

‘ Such, then, are some of the privations, disabilities, and disadvantages, under which Englishmen suffer in India. This is the sort of *quid pro quo*—these the blessings enjoyed under the Company’s protection in India—for which, it is gravely said, they ought to testify so much gratitude, and to press forward eagerly with offers of the last shilling, whenever it shall please their honourable lords and masters to require the sacrifice!

‘ Of a truth, it behoved the Bengal Secretary, and it will now be incumbent on the partisans of the East India Company, to draw a very highly-coloured picture indeed of the benefits of their system of government, if they would set off a counterbalance to the detail of hardships here sketched out. That detail has not been volunteered by us, or brought forward in the vain expectation of immediate relief. Our hopes of this must be postponed till the period shall arrive when the Company seek, as seek they will, a renewal of all their privileges and all their power, at the expiration of their present lease. That will be the season when they must render an account of their long stewardship; when they may be challenged, with effect, to the proof of the good they have done to all the classes of the King’s subjects, over whom they have been permitted to exercise despotic* sway.

* This designation of the Company’s claim to power, as “despotic,” is none of our inventing, but taken from the mouths of their own hired pleaders, as any one may satisfy himself by reading the India House Debates in 1824, and the Privy Council Arguments of 1825, on the Press question. The speeches of their Counsel, a certain Mr. Impey, at

'Our present task has been put upon us; at this time and place, by the plausible bold pretension; conveyed in Secretary Prinsep's assertion, that whereas we enjoy so many advantages under the Company's flag, it is "*just*," that we, who pay "*nothing*" in return, should hereafter pay much.

'We have, therefore, been obliged to show, not only that we already do pay very heavily, but that, instead of requiring advantages, we suffer manifold and weighty disadvantages. Where is our return for those payments—where our compensations for those evils ?

It would hardly seem necessary to add any thing to this, to show the urgent necessity of immediate interference on the part of the Legislature, to amend such a state of things as this ; but we must subjoin what follows :—

'This much, at least, is notorious in Bengal :—

'1. Enormous arrears of causes are still undecided in the Courts.
'2. No attempt has been made to give the body of the people the smallest share in the administration of justice; by their own ancient jury or arbitration system.

'3. No attempt at systematic legislation has been made; the old confused medley of Mohammedan, Hindoo, and British laws prevails, already swelled to an inordinate bulk; beneficial to lawyers, but not to clients.

'4. Arbitrary detentions, and holding to bail of persons suspected of being suspicious—of starving parties and indigent witnesses, for indefinite periods, still prevail.

'5. Justice is not cheap and accessible to the poor ; it comes not as in such a primitive condition of society it should come, "*to every man's door*."

'6. Institution fees, and other taxes on justice, in every stage, though acknowledged by all economists and philosophers to be contrary to all sound principles, often productive of the greatest injustice, and though of doubtful *legality*, flourish in all their former vigour.

'7. Venality and corruption, to a frightful extent, exist in the subordinate and stipendiary branches of the police and the courts. It is notorious that persons robbed, in many cases, carefully conceal the fact, through fear of losing time, and sending good money after bad.

'8. Violence and arbitrary punishments prevail, as they naturally

the former place, are edifying for the boldness with which this claim is asserted. He says, "*While we have the administration of the Government of India, that Government must always be despotic; it has always been so: it will always be so!*"—Debate at the India House, 9th July, 1824.—*Oriental Herald* for August, 1824.

must, where such sweeping power and influence, with checks so feeble, are intrusted to remote local authorities.

'9. The Government evinces, in the rare cases which individuals have courage to bring to its notice, coldness and apathy, to say the least, in investigating complaints, and an habitual leaning to the support of authority—the very reverse of what *ought* to be its disposition, where all the functionaries, high and low, are members of a privileged class.*

'10. "Vigour beyond the law" is still put in force, to take the place of equal laws; and particularly against offending or obnoxious Europeans in the provinces.†

'11. No material step has been taken, though so strongly recommended by Mr. James Stuart, (*before he became a Director, at least*), and so many other excellent authorities, towards throwing the police, and the preservation of the peace, into the hands of its natural conservators—the native gentry of superior intelligence, education, and influence.

'12. The higher classes of Natives are still carefully excluded, notwithstanding the advice of the ablest men in India, from every participation in employments of a high, lucrative, and honourable description. All such are jealously reserved for the conquerors; and by this, and the puerile or hypocritical dread of European colonization,‡ all gradual amalgamation and fusion of the European, Native, and mixed races, is effectually hindered.

* See the printed memorials to the Court of Directors by Hay, an Indigo planter, *v.* Wollen, 1826. Becher (John), an Anglo-Asiatic Contractor, *v.* Blunt, 1827. Case of the son of the excellent, but obnoxious Rammohun Roy, *v.* Molony and others, 1827. See printed cases of Middleton, 1825, and Becher (Charles), 1826, *v.* Blunt.

† Case of the brothers, Betts, 1824, Indigo planters, arbitrarily sent away in the critical height of their manufacturing season, and transported. The Court of Directors were glad to hush up this transaction, by an *immediate* permission to the injured parties to return to India, as they hushed up Mr. Arnot's, by a gift of 1,500*l.*; but the sufferers had been obliged to sell their plantations at a ruinous loss. Case of Lamb (W. Palmer and Co.,) 1823, deported, but allowed in 1826 to return; and since mocked by the prospect of redress, still withheld. No case of oppression and ruin ever occurred, even in Indian annals, that more loudly calls for justice: it will remain an eternal blot on the Company, and on the memory of Governor Adam.

‡ Be it noted here, once for all, that, in arguing the colonization question, the Company's advocates always sophistically affect to consider it as if the introduction of a numerous class of white *labourers* was the thing contended for. Not so! We only contend for admitting freely the *few* who can afford the cost and risk of emigrations to India; and of maintaining themselves when they arrive. The Courts and Laws are sufficiently strong to prevent the possibility of *such* colonists depriving the Natives of their land or property, unless with their consent for value re-

13. The Anglo-Indian Creoles are retained in the most depressed condition—excluded from all branches of the Company's service, and all valuable public employment. If a more liberal statesman, such as Lord Hastings, takes advantage of a time of need to introduce a selected few, even into the *irregulars* of the Company's army, as in 1817, they are deprived of their commissions, and ungratefully, mischievously, and insultingly dismissed, (with breathless haste,) by the Court of Directors, who love no intruders on that monopoly of patronage, which, in a body so constituted, is abused to individual gratification and family benefit, instead of being exercised by the Collective Court as a public trust. Almost every dispatch from the Directors contains an affronting repetition of their scrupulous jealousy in excluding any taint of Indian blood from their service; and each such repetition is proclaimed, in their gazettes and general orders, in the most public and galling manner:* and this, notwithstanding the warning held out by the impressive lessons of America!

14. The Company continue, up to this hour, to violate their most solemn and not-forgotten pledges of a permanent land assessment in their western provinces, and persist in pushing the rack-rent system to the uttermost wherever they can.

15. In many places, particularly under the favourite Madras regime of Sir T. Munro, the collector of revenue exercises judicial or police functions—an union truly unnatural any where, but most of all so where the revenue consists of the rent of land, and of monopolies of articles of the first necessity. The power of inflicting corporal punishment for revenue offences is vested in these collector-prefects of police and their assistants.

16. The vocation of a Native advocate remains a degraded and dependent one; for the practitioner admitted by favour is, on the loss of that favour, easily got rid of.† Even Anglo-Indians, though especially fitted for this post, if encouraged to devote themselves to

ceived; if it were otherwise, what can be easier or fairer than to make the judicial system strong enough for this purpose? All other intermeddling with the course of emigration is purely a mischievous and disguised love of monopoly and arbitrary power, under affectation of humanity and justice.

* The words used, and regularly published in the Government Gazette, are: that A. B. may be admitted into their service, "provided he is not the son of a Native Indian." This disqualification extends, by an adoption far from creditable, even to the royal army; and, in practice, is carried down to legitimate children, the *grandsons* of Indian females.

† Case of Mahtab Roy, a vakeel, or advocate, in the Court at Cuttack, 1826, illegally dismissed by the Commissioner; restored, on petition, by the Superior Court at Calcutta, and *legally* dismissed (as soon as reinstated) by the Cuttack Judge, "with the *sanction* of the Commissioner!"

it, inherit too much independence from the paternal stock, and are practically excluded.

' 17. Organized depredation and gang-robbery, accompanied with cruelty and murder, are not yet put down ; * these are fostered by the general poverty and depression of the population, especially in seasons of distress or scarcity, and not a little kept alive by the demoralizing habits of smuggling—a natural effect of the Company's monopoly of salt. The temptation is irresistible where the cost of production (in remote and wild swamps) is scarcely one tenth of the artificial market price.

' 18. In fine, what has been done with all the Company's influence, and presumed paternal anxiety for their subjects of all classes, towards obtaining a *decently* speedy adjudication in England of appeals from their own and the royal courts of India ? Many years elapse before judgments can be had, at the hands of an ill-adapted tribunal of gratuitous and otherwise occupied Judges, such as that which goes by the name of the " King in Council ;" meanwhile, securities and suitors die, or languish, or abandon from despair, and from failure of the needful munitions of this distant and expensive warfare ! Have the Company stirred a step towards the amendment of this crying evil ? or do they wait supinely till moved thereunto by judges abroad, who have little interest in such ulterior matters, or by governments that have less ?

' Under such a state of things, it may well be necessary to clap strict fetters on the tell-tale press ! But how does all this square with Secretary Prinsep's intrepid predication of " strict administration of justice ?" unless, indeed, words are to stand for things, forms for essences, and a cumbrous and costly apparatus of judges and tribunals; towering in imposing gradations, is to be taken as an equivalent, in full, for cheap and substantial justice ?—Such is our case. Although the history of many past years gives but slender grounds for expectation, that either the Parliament or people of England will be diverted from their undivided attention to nearer or dearer domestic interests, into any very vehement degree of sympathy for their fellow-subjects in the remote East, still we do entertain some small hope, that the near approach of the great impending battle for the renewal of the Company's charter may, perchance, kindle some little spark of interest in behalf of this neglected step-child—India. But even if we were without this slender hope, we should nevertheless think it our bounden duty to put on public record, by means of our respectful petitions and remonstrances to Parliament, this our humble protest against proceedings; which we view with alarm, as the commencement of an unlawful, rapacious, novel, and oppressive

* Case of Imlach, Indigo planter, 1822 ; Paymaster Monk, 1826 ; Reports of Shakspear (John,) Halhed and others, on the robberies and murders of the western Thugs.

system of taxation. We protest, moreover, against the *secrecy*, in particular, which has marked this conspiracy against our property, by those to whose delegated rule it is our misfortune to be consigned, without adequate protection against their power, or safeguards against their jealousy of those ancient rights and charters which Calcutta has held from the Crown and Legislature of England for more than a century.

The writer, anticipating the odium and obloquy which will fall on all those advocating resistance to this imposition, however respectable they may be, exhibits the reasons why the authorities in India are likely to do their utmost to misrepresent all opposition to their will, and then says :

‘ With respect to the home authorities, who must have given at least a *formal* sanction to this new taxing project, something more may be said in their defence. The Directors not unnaturally acquiesced in the recommendation from abroad, and probably without having had any grave *legal* doubts strongly suggested to them. They were flushed, besides, with recent victory, and had just trampled under their feet the contumacious and despoiled BUCKINGHAMS, ANNOTS, FAIRS, LAMBS, RUMBOLDS, and PALMERS. They might well imagine that the growing spirit of independent thinking in India was laid for ever ; otherwise, if they had entertained misgivings as to the success of their claim to tax their loving subjects, they would surely have had recourse for legal advice to the great law officers of the Crown, instead of reposing themselves on the domestic counsels of second-rate constitutional sages.* The Board of Control, in its turn, might be still more excusable for whatever sanction it gave to the new taxation project, recommended, as that came to their body, from the double authority of the Directors and of the Government abroad—and fortified (doubtless) by the approbation of the Advocate-General in Bengal. Whether those high authorities in England will now feel very deeply indebted to the Indian rulers and financiers, who have rashly led them into their present false position, may be doubtful, or more than doubtful : but the Company, at least, can scarcely be very grateful for the large portion of public notice which may chance to be attracted towards them and their measures. They are, naturally, a modest and retiring corporation, and it is not at all in harmony with their interests to court the general gaze at any time : least of all, towards the close and anticipated renewal of their long lease, when they can gain but little by increase of revenue, compared with the imminent jeopardy in which their very existence is put by all this mooted of the most delicate questions and ticklish

* Sergeant Bosanquet, one of these, is the same oracle who has the singular honour of differing from the Lord Chancellor and the twelve Judges, on the question of Legal Interest in foreign India ; the same whose counsels led the Directors into all the cruelties by which they ruined the firm of Palmer at Hyderabad.

points, touching their administration of justice and revenue, in countries which have been so long left under their all but absolute power. The Board of Control, indeed, and Ministers, need have no dislike to the fullest exposure of the system; their degree of dislike, at least, will depend a good deal on the extent to which they meditate clipping the wings of the Company, before that bird of evil augury takes her next flight; if they mean to leave things nearly as they are, the less said about existing abuses the better, and *vice versa*. They have unfortunately one particular interest to serve, sinister in its relation to the petitioners against taxation. It is plain, that the higher they can swell the gross amount of Indian revenue by the time the charter expires, and while the odium of exaction rests ostensibly with the Company, in so much better condition will they stand, if the nation is to resume this great plantation encumbered with its actual debts.* The higher, too, that the net value of the estate stands, the better the terms that may be insisted on for a total or partial renewal. One conclusion, however, is clearly evolved by this exposition of the *direct* interest of the Company in augmenting their revenues, and the *indirect* interest of the Board of Control in this increase; namely, that neither of the great bodies in question should be intrusted by Parliament with any general power of indefinite taxation over India: a conclusion, indeed, sufficiently evident on general constitutional principles. Tax payers cannot lawfully be deprived of *all* check over tax gatherers and tax imposers; and if India cannot yet be trusted in her old free cities, with any immediate voice in this vital matter, (a thing quite practicable by enlarging the council, or giving a negative to a municipal body chosen from the most opulent grand jurors,) the least that Parliament can do is, to reserve the power of the purse exclusively and jealously in its own hands, and to give opportunity for the full and free discussion of every project of finance before a new tax is laid on.

After further pursuing the subject in the same able manner, and showing the gross ignorance, and absurd principles, on which the whole system of the Company's rule is conducted, the work thus concludes :

'The influence of the East India Company is enormous, and all

* Its debts, after all that has been written and said of them, are not more than about equal to two years' gross revenue: and if the interest is kept low, they are a great political benefit, as Natives in all parts of the country invest large sums in these funds, and have therefore an immediate interest in the continuance and credit of the English Government. By a reference to Rickards's *Speeches*, Appendix Table, p. 238, it will be seen, upon the undeniable evidence of figures, that the Indian debt originated, and swelled to its bulk of thirty millions, *solely* from the losing commerce of the Company, and in no respect from any inadequacy of the territorial revenues to cover all and every charge of civil and military administration.

pervading from the vast extent of their patronage at home and abroad. There is scarcely a respectable family in the three kingdoms into which *some* of the ramifications of this overwhelming sinister influence have not, directly or indirectly, insinuated themselves. Within the focus of the city of London, where their power is peculiarly concentrated, it operates with undivided force, even to a degree which neutralizes, in a great measure, those wholesome combinations, and that natural hostility, which, under other circumstances, would unite the statesman, the capitalist, the merchant, the manufacturer, and ship-owner, in one common endeavour to put down the last remnant of chartered monopoly, and to wring from the Company, in these days of domestic languor and distress, the right of free resort and free settlement in regions which now form a component portion of the British empire, and which unfettered skill, industry, and capital would speedily convert into an inexhaustible source of production, and a market of boundless extent. From Liverpool, Manchester, Glasgow, Bristol, Greenock, Birmingham, Sheffield, Hull, Leeds, and other provincial towns, there may be better hope for us than from the metropolis. The spirited inhabitants of those great emporia of trade and manufactures—in particular of LIVERPOOL, the rival of London itself—will perhaps think it a task not unworthy of their most serious efforts, to nip, in the first bud, a system of new, secret, and boundless Indian taxation, which, in skilful and not unwilling hands, *may* be brought to bear so heavily in numberless indirect and ingenious shapes, on all who traffic to our eastern ports, as *virtually to defeat the intended boon of the FREE TRADE*—protected though it be from direct impost. Grudgingly and tardily was that boon conferred at the last renewal of the East India Company's charter in 1813; and to the CITIZENS OF LIVERPOOL, more than to any other body of men, England is indebted for obtaining it. Headed by their liberal and talented representative, they will keep watch and ward over it, and take heed that the prize which their exertions won be not rendered valueless by fiscal artifice or political violence.'

We cannot resist the inclination to add to this Appeal an extract of a letter, dated from Calcutta, the 8th of July, and published in the 'Morning Herald' of the past month. It contains nothing more than a bare statement of the truth, as it regards the conditions to which Englishmen are subject in India, and is well worthy the attention of all who deem our Indian possessions worth retaining. It is as follows :

'We take for granted that the good people of England are exceedingly desirous of getting rid of their Indian possessions, and have instructed our Governors here to make the most perilous experiments upon our patience and forbearance. Not satisfied with depriving us of the liberty of the press, and the power of assembling

together to discuss our grievances, and to give vent to our irritation—not satisfied with denying us all representation, all municipal authority—not satisfied with forbidding us even the privilege of locomotion, without the special sanction of Government, a sanction which may be denied when asked, and recalled when given—not satisfied with possessing and exercising the power of banishment in its most arbitrary forms, they now claim a right to levy taxation to any extent, without reference to our means, or even to their own necessities.

‘ England did a foolish and daring thing in attempting to force the Stamp Act upon the Anglo-Americans. All men have heard of the result; but our countrymen seem already to have forgotten the old lesson, though it was bitter enough, and humiliating enough to have left its memory for a few generations, and the Stamp Act is now tried upon the Anglo-Indians. The endeavour to enforce it has produced a sensation new and menacing. Public freedom may often be attacked with impunity; but it is a bold and weighty matter to proclaim the doctrines which we have heard in our streets, and which our Judges have pronounced from their exalted seats, that we, Englishmen, and the descendants of Englishmen, and Natives, who have been hitherto deluded with the foolish fancies that the laws of England were the *Ægis* of our protection,—that we, I say, hold our fortunes at the mercy of our rulers, and may be taxed at their rapacious and commercial will.

‘ India is indeed too much forgotten in Britain. Tell our countrymen that it contains one hundred millions of British subjects, turning to the “Isles of the West” for protection, supplicating from public opinion that sympathy in their well-being—that interference in their behalf which can alone obtain for Britain the affection of their distant tribes, and for India the benefits and blessings of some small portion of that security which, if freedom be denied, England is bound to grant to her remote and countless dependents. The situation of India is not understood at home. You fancy, no doubt, that we are settlers here—masters of the soil—mingling with the people. No such thing. Settle we dare not—lands we may not buy nor hold. If our affections would fain take root here, we may not plant them. That Englishman is an unwelcome, an intolerable intruder, who at all thinks of making India his home—of sitting down there under his own banyan-tree, domesticated, and dispensing among his dependents those happy influences which are wielded by a benevolent land proprietor. The Englishman is only allowed to come hither and share a portion of the spoils of misrule. Loaded with them (if the climate spare him) he returns to Europe, and sends out new adventurers to plough and harrow the now almost exhausted field. Look, we pray you, at the map of the world—see what a huge space of the Oriental hemisphere is dependent on British sway, and then lend us, we exhort you, lend us an attentive ear. Let it

not be said hereafter, if discontent shall forge weapons for despair, that England had no warning. It is for you to warn. It is for you—it is for the Public Press to tell our governors and yours that these despotic acts of theirs are full of danger. Fond as we are of our country—desirous as we are of exalting whatever is right, and of palliating whatever is wrong, we cannot say a word in favour, in justification, in excuse, for acts like these. They are the wantonness of oppression—they force us to cry out, “We supplicate you to listen.”

‘We do not know from whom this abominable Stamp Act emanated—but it must have had its origin in ignorance or contempt of the public opinion of this country, and, as we hope, of that of England. Its pretensions are monstrous. It is introduced with the broad, unqualified assertion of the right of the Company’s Government to take from us—even to our last shilling. And what is the check proposed? The check of the President of the Board of Control.

‘And will it be believed, that this country is to be delivered over to arbitrary taxation, by a series of secret, light-shunning proceedings—that we are to be overwhelmed with burdens, of whose infliction even the people of England will hear not a word, until they hear, perhaps, too, that one united and indignant voice has repelled them as unfit or intolerable? For how is it proposed to amerce us? The scheme is *secretly* to be discussed in the Council here; *secretly* sent home to be *secretly* talked over by your Leadenhall Directors; *secretly* approved of at the India Board; and then to burst upon us like a clap of thunder, and find us wholly ignorant of all that has been doing, and wholly unprepared. In sober sadness we must acknowledge, that “we have nothing to do with the laws but to obey them.” Yet can we not wholly suppress our indignant thoughts; and even if we *could* suppress them, is it not wiser and better, at once to warn our countrymen against the course which our rulers are pursuing!

‘When the vast Indian field presented to your statesmen so extensive a prospect for the operations of free trade, and the merchant was encouraged to waft his adventures to the unlocked Oriental world—whilst the Hindoo was flattered with the benefits which would result from the removal of a baneful monopoly, who would have supposed that it would be so soon followed by a measure, which placed the capital of the free trader wholly at the mercy of arbitrary will and arbitrary power? When the word of promise was poured into our ear, and we were buoyed up with the expectation that restrictions and incumbrances would be lightened and removed, then comes the severest, “the unkindest cut of all;” and, for the *first time*, a pretension is set up, and attempted to be enforced, more despotic, more intolerable, than ever before existed. Is the wealth of the free merchant to be thus subjected to a grinding commercial

Company—at the very moment when we are told that the monopolising spirit of that Company had been subdued? We cannot believe that such were the intentions of the Legislature. We confidently trust that the public press will lift its loud voice in our behalf, for we have here no *public* press. It has 'been silenced. It is only to you, and *through* you, that we can speak. The population of the United States were but a handful—their revenues a unit, compared with our's. Why—why would you alienate our affections? Have you no other sources of anxiety, that you would create one here, which may become the sorest of the most serious of all? Is Ireland at rest? Are the Canadians contented? Has no Australian whisper of dissatisfaction fled across the Pacific wave?

O'KAVANAGH.

AN Irish tale, under the above title, is now ready for the press. It contains a number of lyric compositions, many of them translated from the Irish language, and others original. Of the latter, we have been favoured with the following specimen:

As Mem'ry once reclined
 Within her breezy bowers,
 She tastefully entwined
 A wreath of freshest flowers.
 'Tis for Life's fav'rite child,
 She then exclaim'd, 'I've deck'd it;
 When Valour, as he smiled,
 The blooming prize expected.

Then Friendship next appear'd,
 Whose wishes seem'd the purest—
 By Hope and Candour cheer'd,
 He thought his claim the surest;
 Till Love, with winning wiles,
 Ecstasied, shone advancing,
 With lips that play'd in smiles,
 And eyes in brightness glancing.

'Oh, Love!' then Mem'ry cried,
 'Thy joys, though oft the fleetest,
 To many though denied,
 Are still by far the sweetest.
 'Tis on thy brow alone
 The light of life is shining;
 Then, be this wreath thine own,
 Of Mem'ry's fond designing.

H. G.

JOURNAL OF THE ENGLISH EXPEDITION FROM INDIA TO EGYPT.

IN our Number for December last, we mentioned having received from France a very curious Journal of a French Officer, who, in the year 1800, served as a subaltern in the Expedition which went from India to Egypt, and who is now a Peer of France, under the title of Le Comte de Noé. The circumstance of there being no authentic published account of that Expedition, beyond the scattered facts which appeared in the papers of the day, would be alone sufficient to make this Journal an object of great curiosity and interest ; but it is additionally so, as being written by a French Officer, then serving in one of the King's regiments in the English service, and containing the opinions of a foreigner, going, under the English flag, to combat his own countrymen as enemies.

On these grounds, we have preferred giving a free translation of the Journal itself, from its commencement to its close, to offering any review or analysis of the work ; and including in our present Number the whole of the preliminary matter relative to the voyage to India, and the observations of the author in the country, at the period of his actual visit to it, we shall, in our next, enter on the more important portion of the Journal, from the departure of the English Expedition from India for the Red Sea, to its return, after the object of its campaign in Egypt was effected.

ENGLISH EXPEDITION FROM INDIA TO EGYPT.

CHAPTER I.

Departure of the Author for India in the Company's ship, Cufnells.—Encounter a French Squadron.—The Ship gets aground in entering the Tagus.—The Convoy arrives in India.

At the epoch when the executive power in France, a weak heir to the power of the Convention, still held in its hands the management of affairs, I had been for some years in England, where I had followed my father at the time of the emigration. My situation was very precarious. Young, but without fortune, I did not consider the future without uneasiness ; my thoughts were directed incessantly to the necessity for exerting myself ; but if, on the one side, there was nothing to indicate a termination of troubles in the interior of France ; if rigorous laws had, for a long time, shut me out from that country : on the other, I scarcely saw around me, in England, the possibility of a speedy advancement. In this position, doubly restrained, I turned my attention to India, and I resolved to try my fortune in going to seek, in that remote country, an indemnification for the losses which I had sustained in Europe ; and, fortunately, circumstances occurred which favoured my projects.

Oriental Herald, Vol. 16.

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For a long time habituated to extraordinary enterprises, by a continued repetition of perils and of success, the French army resolved to make a descent upon Egypt. The English merchants were confounded, and the Government was in the greatest alarm. The French found in the possession of Egypt a full compensation for the loss of their colonies; the cultivation of the country had, in a flourishing condition, all the productions of the East Indies. Such were the reasons for their meditating and undertaking the occupation of it; and the result might have answered the expectation of France, if their possession of Egypt had not been disputed. The English Government neglected nothing by which they might prevent this expedition. They were employed in collecting an army, and it was resolved that they should oppose all the resources possible to that army, which made light of all obstacles, which had lately been triumphant over the forces of Austria, and had dictated the treaty of Campo Formio.

I thought the moment favourable for putting my design into execution. I demanded permission to go to India: my demand was granted; and I obtained a lieutenancy in the 10th regiment of the line, then recently ordered to India to join in the war against Tippoo Saib.

The regiment embarked at the Isle of Wight, on board the Company's ship *Cuffnells*. I joined my division on the 1st of September, 1798; and on the 4th we set sail for our destination, with orders to touch at Lisbon, and to take in another regiment of the English line. We had with us, independently of an expedition destined for Minorca, a numerous convoy, composed of transport ships filled with troops for Portugal, and for different stations in the Mediterranean. A number of merchant ships profited by this circumstance, and placed themselves under our protection, so that the fleet was composed of more than three hundred sail, which carried considerable sums of money, and all sorts of munition.

The wind was fair: we pursued our way with great rapidity; and soon descried the light-house of Ushant, near which we perceived a frigate, with all her sails set, and covered with signals. It was an English frigate, who told us that the French squadron had got under weigh, and had put to sea. We obtained from this ship all the intelligence which we required, and took every precaution possible in order to avoid the enemy. The commander of the convoy, Captain Reynolds, belonging to the frigate *Pomona*, gave his orders to the different captains of the fleet, and especially to those of the great transport ships belonging to the India Company. They were enjoined, in the case of meeting any enemy's ships, to disguise themselves as vessels of war, and to carry pennants and lights. They were directed, on the appearance of the French fleet, to form in line with the *Argus* of 44 guns, a vessel of two decks, and the *Pomona*, a frigate, also of 44 guns on one deck. Notwithstanding the care

we had taken to avoid the danger of an engagement, it nevertheless took place a few days afterwards in the Gulf of Gascony. The French fleet, it appeared, was composed of *La Hoche* of 80 guns, and eight frigates of different sizes. These were enough to capture us all, if they had known the secret of our weakness.

The orders, which were given with an admirable precision, were executed with promptitude. We formed ourselves immediately in order of battle. The convoy was guarded by two ships, one Danish and the other American, which equally disguised themselves as vessels of war.

We had nine ships in our line, of which seven were merchant-men, but armed, and a corvette, the *Cormorant*, of 18 guns. We continued in sight of each other, and were occupied in manœuvring from six o'clock in the morning till nearly two in the afternoon. At length, at two o'clock, the French fleet retired. They had used their utmost endeavours to slip between us and our convoy, but we prevented this movement. In this position, we found that our safety depended on the care with which we concealed our weakness: at the same time, our evolutions were performed with great rapidity, and executed with great precision. The French squadron also being, as we afterwards learnt, destined to land some troops in Ireland, the delay which it might have met with in its course by attacking us, would have materially counteracted its combined operations. The commander would not, therefore, risk the success of his more important mission. Bound in a contrary direction, the French squadron pursued its route, and soon encountered that of Sir John Warren on the coast of Ireland. They engaged in a long and bloody conflict: the Republican fleet was captured, not a single vessel escaping, so that this expedition to Ireland entirely failed. The French squadron in not attacking us committed an irreparable fault; because they would infallibly have carried off our convoy, as well as the supplies of which we were the bearers, and thus have caused two expeditions to fail at the same time by the taking of the four regiments which we had on board. The beneficial results to the enemy would have been incalculable; but their orders probably being positive, they were compelled to conform to them.

When one reflects on the chances which the contrary event would probably have caused, it is difficult to refrain from admiring that Providence, who holds the destinies of empires, rules them with an absolute power, and mocks all human prudence, in making it depend entirely upon His will.

We now again made sail, and were soon in sight of Lisbon. On entering the Tagus, we touched upon the bar which obstructs the mouth of that fine river. The shock was violent. We remained for some time in the greatest state of alarm. However, as the ship, after having touched, passed clear over the bar, and reached the

river without our perceiving any leak, we thought no more of the injury.

At Lisbon we received the 51st regiment on board, and again put to sea. After a voyage of two months, we landed at the Cape of Good Hope, where we remained about six weeks. We had scarcely left this place, and gained the open sea, when a violent tempest arose. As we did not find the ship to leak, we at first took no notice of the injury we had experienced in the gale. When the tempest had ceased, however, and when we were in 42° south latitude, the leak first showed itself: we made then two feet of water every hour. Happily we did not in the least suspect the critical situation in which we were: we did not know the height of the peril from which we had so miraculously escaped, until the vessel arrived at Bombay. The *Cyfnells*, in fact, had been greatly injured in her bottom by striking on the bar of Lisbon, at the entrance into the Tagus; but the mass of matter then adhering to the broken part remained in the hole which it had made, and the coaly substance of which it was formed mixing with tar, liquified by the tropical heat, formed on the plank a sort of cement, which kept the fragments together, at the same time that it stopped the progress of the water, and completely prevented any leak. When the ship entered the dock at Bombay to be repaired, the mass of matter, being no longer supported by the water in which the ship floated, fell out, when it was found that the wood all around it had become entirely rotten. If this mass had fallen out during our passage, nothing could have saved us from sinking. It was in such a weak vessel that we had come over the vast sea, and that we had remained for four months totally unconscious of our danger.

Arrived at length in India, where we had thought of going to Mysore to fight against Tippoo Saib, we found that, by this time, he had lost both his throne and his life. England was then the reigning power in Hindoostan. There remained no enemies to oppose, and we had only to support the heat of the climate, which tormented us exceedingly, it being then the season of the year when the scorching winds are felt most oppressively.

CHAPTER II.

India—General Aspect of the Country—Geographical Features of Hindoostan—Increase of the English Power in India—Causes of the War with Tippoo Saib—East India Company—Affairs of its Government—Military Force of India—Description of the Sepoys.

Every thing relative to India, and its history, has justly excited great curiosity. A desire to gratify this curiosity, which the circumstances of the present moment serve to increase, induces me to give a rapid sketch of this country, which has at all times attracted the public attention, and occupied the pen of the historian. That

which is remarked, above all, in India, is the unchangeableness of its institutions. The progress of centuries have produced on the earth numerous changes in all other countries; but the manners of the Indians have passed, from age to age, without alteration, as the blood of their castes, without mixing.

The Indians have always been submissive. All armed forces which have desired to take possession of their country have easily succeeded; but political power has never been able to make any impression on the civilization and habits of the people. The close connection of manners with the ceremonies of faith, has been an insurmountable barrier to political changes; the belief of Brahma has triumphed over the fury and over the cruelty of Mohammedanism; as it has resisted, still later, the influence of the religion of Christ.

We find, in the most ancient histories, accounts of the character of the Indians; the same traits distinguish, at the present day, this celebrated people. In the time of Herodotus, and of Arrian, the Indians fed themselves upon vegetables, divided themselves into sects, into castes or classes, distinguished by the professions which they carried on in their families. These things are now the same as they were ages ago. Marriages are made at the same periods, and after the same rites; the costume, the manners, the local usages, the many privileges reserved for the more noble castes, all are retained. While civilization is going on in Europe, every thing here is calm, and this repose is called happiness.

It is now more than half a century since many powers have divided this immense territory. At present, England is its sole lord. India, properly speaking, only comprehends that part which has for its boundaries the Nerbudda, and the frontiers of Bengal and of Bahar; but in general in Europe, we mean, by India, that vast country circumscribed by the kingdoms of Candahar and of Cabul to the west; to the north, by the two chains of Thibet; to the east, by the Burman empire; and to the south, by the vast basin of the Indian Ocean.

Her actual possessors divide it into three Presidencies: the first, that of Bengal, comprehends all the northern provinces, from the north of the Ganges to the Indus, bounded on the north by those of Lahore, Serinagur, Oude, Nepaul, Boutan; on the east, by Arracan, a country tributary to the kingdom of the Burmans; on the west, by the Mahratta confederation, and on the south by the country of Berar.

The second, that of Madras, includes all the southern part of the Coromandel coast: bounded on the north by Berar; on the west, by the chain of Ghauts; and extending to the south as far as Cape Comorin.

Lastly, the Presidency of Bombay; comprehending the territory of Surat, Cambay, and all the Malabar coast, with the exception of

Goa, which is subject to the crown of Portugal, and some other ports, belonging to the Mahrattas, or to the Queen of Cananore, as well as Mahé, formerly a colony of France, and Cochin, once belonging to the Dutch.

There are, besides, two other small tributary Governments, of which the Company are unchangeable proprietors : that of Pulo Penang, or the Prince of Wales's Island ; and that of Bencoolén, on the coast of Sumatra.

It was Queen Elizabeth, who, in 1600, gave to a corporation the privilege of an exclusive trade with India. She established, by this legislative act, that colossal power, which has since enlarged the British empire beyond all expectation, and, perhaps, beyond the limits of prudence.

This Company had different views, which it was not possible to follow, without exposing it to danger, until the year 1783, an epoch when they had no longer to fear the rivalry of the French Company, and from the date of which the English have been able to follow and execute the projects of invasion, which they had so long meditated.

It was from 1784 to 1810 that they arrived at the last term of their progress. The twenty-five years comprised in this interval, are filled with events and their results, which surpass all belief, if the facts which attest them, as one might say, did not happen directly under our eyes.

During this period, however, the English Legislature caused a great modification in the constitution of the East India Company, by limiting their charter, and creating a Board of Control, instituted to overlook and regulate their political acts ; but in submitting to eventual necessities, they found, in these same shackles, means of action and power. The results have been immense for the public prosperity : if the acquisition of a distant country, containing millions of subjects, if the activity of the mother country, if the immense fortune of a number of individuals, servants of the East India Company, can compensate for the embarrassed finances of an administration which, with so many elements for riches, presents only, as the end of its operations, an almost incalculable mass of debt !

In 1782, the death of Hyder Ali,—in 1783, the peace with France, which only preserved to that power the weak factories in the Peninsula,—lastly, in 1784, the peace with Tippoo Saib, were the causes and consequences of the English success. The policy of the Company, which the legislative power supported by its acts, did the rest. The restraints under which they were placed, as I have before remarked, did not in the least hinder this prodigious development. To give only one example, I would cite the manner in which the Company eluded the disposition of the act of 1784, which prohibited them from making conquests, and did not permit

them the right of war, unless in case of self-defence, or when it became necessary to protect the rights of their allies. However, the territory is every year increased, because all the territory conquered, though conceded to a nominal sovereign, belongs always to the Company.

The actual Government is at present concentrated, as it were, in the person of a Governor-General. This high functionary is the supreme lord over all the English possessions in the Peninsula ; the other governors receive their orders from, and communicate with him.

All the civil and military officers are nominated by the Court of Directors. This Court choose for themselves also the commanders of their armies, and the governors of their presidencies, from among the candidates of which the presentation belongs to the King, but they may suspend or recal those with whose services they are not satisfied.

The young men destined for the civil administration, whom they send out to India, have the title of 'writers.' These young men first learn the languages of the country—the Hindoo, the Malabar, and the Persian. It is not till they know these that they are appointed. They become then the agents of Government, and rise by degrees to the first offices.

It is the same with those who follow the career of arms. The Court of Directors appoint them, and give them a destination before they depart from Europe : some are attached to the engineers and artillery, others to the infantry and cavalry ; the two first branches have a special college in England. The officers and aspirants to the marine department, whether the naval or mercantile, are both equally at the nomination of the Court of Directors, which gives to their administrators an immense patronage, and furnishes them with the means of disposing advantageously of a number of young men of family.

The land forces of the India Company amount to more than 200,000 men, all armed ; those employed at sea, to about 20,000. A stranger cannot form an exact idea of the power of this sovereign Company. Its charter is temporary ; but the privilege may be renewed many times ; and it is not, I think, possible for it to be revoked ; for how could this vast territory be governed ? How could we replace a material of which the mass is incalculable ? Besides, what would be the object of displacing their authority ? Where should we find an administration more skilful, more mild, and more provident, than that of the Company ? The laws which reign throughout the Presidencies, protect the Natives *equally* with the Europeans. The Natives live tranquilly with their property, and they are, in their persons, more happy than they would be under the Nabobs.

The Company's troops could not be better disciplined and equipped than they are; the *materiel* is as magnificent as it is immense. Always ready to enter into a campaign, its army, composed of Natives, disciplined after the European fashion, rival the troops of Europe in the precision of their manœuvres, the courage and fearlessness of their military movements; they are, besides, greatly attached to the Government, who pay them with great exactness, and go so far as to take care of the families of the absent soldiers, when they go to war on the frontiers. These troops are exclusively commanded by European officers.

It may not, perhaps, be uninteresting to offer here a sketch of the Company's forces, in the three Presidencies, at the time of my residence in India, as well as that of the construction of the corps of sepoy.

The following is an account of the forces:

PRESIDENCY OF BENGAL.—One regiment of Europeans, consisting of 2000 men, divided into ten companies; twenty-eight sepoy regiments of infantry, each of 2400 men, or two battalions of ten companies each; twenty-seven companies of European artillery, and as many of Natives; eight regiments of Native cavalry, each composed of eight companies, or about 600 men; a numerous corp of engineers; a regiment of invalids, for the service of the garrisons; a corp for the service of the custom-house, and the military-police; besides numerous corps of volunteers, who are levied in case of war.

PRESIDENCY OF MADRAS.—A European regiment, of the same force as that of Bengal; twenty-seven sepoy regiments of infantry; eight regiments of Native cavalry; two European regiments of artillery; a considerable corps of Native artillery, and a regiment of horse artillery; a corp of engineers; a veteran regiment from the Carnatic, a regiment of European invalids, and many corps of volunteers.

PRESIDENCY OF BOMBAY.—A European regiment, of the same force as those of Bengal and Madras; two battalions of European artillery, and a numerous corps of Native artillery; a regiment of European horse artillery; a corp of engineers; a regiment of marine sepoy; a regiment of national invalids, for the garrisons.

The Presidencies of Bombay and Madras have each a commander-in-chief, subordinate, with respect to the military authority, to the general officer who commands at Bengal. A number of staff-officers surround these generals.

The marine force of Bombay consists of twenty ships of war, from ten to twenty guns each, destined to protect its commerce from the pirates on the coast of Malabar and the Persian Gulf. The Lascars, or sailors of India, enjoy a high reputation.

Besides these forces, the King of England furnishes to the Company a body of 30,000 men, including cavalry and infantry, which

it holds in its pay from the time of their arrival in the country, and under its care from the moment of their departure from Europe. These troops serve jointly with those of the Company, but in all cases rank above them. The British Government possess, also, a considerable fleet in India.

The following is the composition of the regiments of sepoys in the East India Company's service: One colonel, two lieutenant-colonels, two majors, ten captains, twenty-two lieutenants, two adjutants, two quarter-masters, a surgeon, and two assistants. Besides these officers, who are all Europeans, each regiment has twenty subidars, or Native sub-captains, and forty jemidars, or sub-lieutenants. These inferior officers are Natives. There are besides two Indian surgeons to each regiment of two battalions; a battalion is composed of 1200 men.

The cavalry has the same proportion of officers, European and Native. The regiments of 800 strong, have each—one colonel, one lieutenant-colonel, two majors, four captains, eight lieutenants, six cornets, or sub-lieutenants, one adjutant, one quarter-master, one surgeon, and two assistants; eight subidars, and sixteen jemidars.

The forces of the India Company are, at present, considerable. The following is an accurate statement:

ARMY OF BENGAL.—Eight regiments of cavalry; two regiments of European infantry; sixty-eight regiments of Native infantry; to which are added the corps of volunteers and militia; the artillery and the engineers are formed in the same proportion.

ARMY OF MADRAS.—Eight regiments of cavalry; two regiments of infantry; fifty regiments of sepoys; a regiment of invalids. Moreover, the militia, and the corps of volunteers, both of foot and horse.

ARMY OF BOMBAY.—Three regiments of cavalry; one regiment of European infantry; twenty-six regiments of Native infantry. These are all independent of the militia, the volunteers, the engineers, the horse and foot artillery, and the marines.

The sepoys are clothed in a red jacket, striped with different colours; blue sash, with white ornaments, and small calico drawers, which descend only to the middle of the thigh. Their legs are naked, and they wear sandals; a sort of blue turban, mounted with copper, completes the uniform. The Indian officers wear the same costume, with the exception of the pantaloons, and the turban, which is mounted with silver. Those of Bengal wear boots, those of Madras and Bombay wear sandals. This singular uniform, their naked legs, their copper-coloured tint, and martial air, all concur to render the appearance of these troops imposing.

Among the sepoys, some are Mohammedans, and some Hindoos; they all bear the distinctive mark of the caste to which they belong, and to which they attach the utmost importance. The difference of

religion, nevertheless, which every where else creates mortal enmities, does not here occasion any trouble. There exists between the sects serving under the same colours, a real but peaceable jealousy of each of them, which, in fact, forms the true security of the English power. If any conspiracy is plotted, one of these two parties immediately give the warning, and prevent its happening. The difference of their worship is also a greater guarantee; I had a proof of it during my stay in India. The Government of Madras thought it necessary, in 1809, to reduce certain pecuniary advantages. This reduction was disapproved of. The European officers whom it affected concerted together to get it revoked: the authorities persisted. They commenced an open insurrection, and refused all service. They tried a negotiation through the European regiment at Madras; they would hear nothing, and declared that they would not take any part in the expedition which they were about to prepare at Masulipatam, against the Dutch possessions in the Moluccas. They then addressed themselves to the sepoys; but the officers having had intelligence from the Europeans, refused to obey, and placed the Government in an awkward situation. Happily, all their efforts failed against the fidelity of the soldiers, who constantly repelled their seductions, and gave notice of all their movements before they took place. The king's troops were in consequence sent for, and their presence impressed the mutineers with respect.

The Company's officers were in many instances arrested, and their places filled up by others taken from among the king's troops. All this took place without the sepoy ever failing in his duty to the Government which paid him. Some few acts of severity soon brought back these officers to good order. All was at length calm; and an insurrection, which at first threatened to overturn the Government, served, on the contrary, only to strengthen it: a result due entirely to the care which it takes of its Native soldiers, and the wise policy which it imposes on itself, of not abandoning the families of their defenders, whenever they are called out of their territory.

Nothing can equal the beauty of the fortifications of the towns of India, and the cleanliness with which they are kept. Large, well-shaped, solid, and elegant, they embrace every thing which can facilitate their defence, and contribute to the well-being of the soldiers. Madras, above all, is a model of this kind. Protected by a succession of works, which follow one another, commanded by forts well garrisoned, they could withstand the most lively attacks, and defy the most numerous armies; the Black Town, situated on the border of the sea, half a league from it, serves also to place it out of the danger of insult. At the least signal, its immense population would be in movement, and render the situation of the enemy very perilous. Nature herself seems to have taken pleasure in multiplying the obstacles which defend it; she has rendered the shore

difficult of approach, and has prevented the European boats from having access to it. They are obliged to stop a quarter of a league at least from the beach ; it is from this distance that the surf commences, which rises three times before it arrives at the beach, where it breaks with violence. If European boats attempted a disembarkation, they would be dashed to pieces. Their frames are not sufficiently flexible, they could not resist the shock ; so that they do not employ anything but peculiarly built boats, weakly put together, which yield to the violence of the surf without being destroyed. These boats are large enough to carry from forty to forty-five persons ; they are besides light, and skilfully managed by the Natives, who cry, sing, and row together, and are very careful in not presenting their sides to the surf which menaces them ; they are always prepared with rafts, in case these boats should upset. The surf is frequently of a prodigious height ; it commences, as I before said, about a quarter of a mile from the shore : to the first wave succeeds another, which pushes you impetuously towards the coast ; then a third, and so on in succession, until the boat is thrown on the sand. Immediately a crowd of Natives who are waiting for it, seize hold of it and draw it to the shore.

The rafts are composed of two thick planks of six or eight feet in length, attached together. One or two Indians place themselves on this, and rapidly convey themselves where danger requires it. Many of these Indians wear round their necks a chain of silver, to which is attached a medal of the same metal, which has been awarded to them for having saved the lives of Europeans. They are perfectly naked, having only a small turban of palm-leaves, which serves them as a head-dress. It is in this turban that they place their despatches, and hide their papers, to prevent their being wetted, or meeting with any other injury. Mounted on their rafts, they are not afraid to leave the coast, and frequently gain the open sea. During the war, Government itself made use of them with success, to expedite to Colombo its orders to the troops which were sent there to suppress an insurrection.

Madras is peopled with Europeans, Armenians, and Portuguese. There are also seen here a great number of Pariahs, who meet, as throughout the rest of India, with all the contempt and ill-treatment with which their countrymen overwhelm them. The surrounding country is interspersed with charming fields, superb roads, planted on either side with trees. It is in this neighbourhood that the Nabob of Arcot resides. This prince possesses the appearance of power, but every thing ends there. He has given up his rights and his sovereignty, which have passed into the hands of the Company, from whom he receives, in return, an annual fixed sum. The honours of the salute are paid to him ; they fire a volley of twenty-one guns on occasions of visits, &c.

The buildings in India are generally of an elegant structure. A

colonnade surrounds the country-houses,¹ and affords an agreeable walk during the heat of the day. Between the intervals of the columns are suspended *tatties*, or mats, made of a peculiar grass of India, which are kept constantly wetted; the air, passing through them, produces in the interior a delightful freshness. It is the great luxury of this country, where really such means are necessary to enable one to sustain the heat of so burning a climate.

The lime which the masons of India use in their buildings is of the finest quality; it is generally a mixture of lime and oyster-shells; it is mixed with a certain quantity of the sugar of the palm-tree, *jaggary*, to form a kind of stucco, which has the polish and durability of marble. The Indians possess an extraordinary talent in making architectural ornaments of this material.

The bay, or roadstead of Madras, is filled with ships from the month of January to the middle of October, when the bad season commences. All the vessels then leave it; it is considered too much exposed, and maritime insurance ceases for those which remain after that time.

We learned, on our arrival, (in the beginning of April,) that the Government had become alarmed at the formal preparations which Tippoo Saib was making. They discovered that he was holding secret communication with the Isle of France; that many Frenchmen were even attached to his fortune, by entering into his service; and that it was the Governor who had furnished him with these reinforcements. The Governor-General considered his presence necessary at Madras; he went as far as Mysore, in order to be at hand to watch Tippoo's movements, and to take effectual measures to prevent the execution of his projects. Before leaving Calcutta, he ordered the Bengal army to be put in motion; and, on his arrival at Madras, the troops of that Presidency, and those of Bombay, received the same orders. The Governor-General, the Earl of Mornington, since the Marquis of Wellesley, thought it necessary, before he commenced hostilities, to demand an explanation of Tippoo. That Prince's reply was evasive; he still continued his preparations, and the Governor-General marched on with his troops. The army moved forward, fell upon Mysore, and took possession of it. The strong places on the frontier scarcely made any defence, and were taken almost as soon as they were attacked. They then advanced towards Seringapatam; they laid siege to this capital; the garrison was numerous and well-trained, and the resistance was obstinate. The 33d regiment, which was commanded by Colonel Wellesley, now the Duke of Wellington, attempted an attack by night; but it was repulsed with loss. Its chief, since become so celebrated, made a complete failure. A few days after, (the commencement of May, 1799,) Seringapatam was taken by assault.

This was a happy period for England. She now saw herself freed

from the most formidable enemy which she had ever had in India. The death of the Sultan terminated, at the same moment, his dynasty and the war. His sons fell into the hands of the conquerors ; and a young descendant of the former King of Mysore, deposed by Hyder Ali, was replaced on the throne of his ancestors, and charged with the care of the people, while the English guarded all the strong forts. A singular fact, and one which proves on what slight things the success of war depends, is, that on the day of the capture of Seringapatam, the river which washes it being nearly dry in the morning, rose in the evening so high, that an elephant could scarcely pass it. The rainy season commenced, and, a day later, the English would have been obliged to raise the siege and retire.

A great deal is now said about the projects which Russia entertained towards India, and of the success she would obtain, were she to carry her arms there. On looking at the map, there may appear to be some chance for her, but in the country there is none. Surrounded on the north by steep mountains, Hindoostan presents to the army which shall have passed there, nothing but deserts, impassable defiles without roads, where no means of subsistence could be found, and where it would be necessary to transport the artillery by men. Surrounded with difficulties, they would be obliged to march from defile to defile, to force them, one after the other, and would find themselves exposed to perish, if they should fail in any one of their attacks ; add to this, that they would find opposed to them numerous and brave troops; abundantly provided, and who would have at their command all the resources of the fertile provinces which they would leave behind them. Every thing, then, would be in favour of the defence, and nothing in favour of the attack. To the east and to the west, they would meet with the same chances and with the same difficulties ; every where devoted troops, deserts, and obstacles without number. If we examine, now, what maritime forces protect the coasts, and the weight which they would have in the scale, it will be clear, that every project of assault would be folly ; they would not even have the resource which is so frequently made use of in war, that of insurrections and open revolts. How, in fact, could you excite the population ? By the allurements of interest ? They are already in possession ; they have lost nothing ; and in this respect they are as well off as they were formerly under Aurengzebe. Tranquil and happy, they are without regret, as they are without ambition. The son succeeds to the father, and every one lives contented with the condition which has been bequeathed to him by his parents. It is his destiny to remain there, and he follows it. The same customs, the same manners, the same resignation ; nothing in the world would make him change either his religion or his habits. India will, therefore, always resist every effort to render it civilized and free.

THE CAPTIVE TO HIS HARP.

THOUGH my dreams of loved freedom are o'er,
 Though Hope on my soul shall dawn never,
 Yet thy tones are as soft as of yore,
 And thy voice as unbroken as ever ;—
 To my desolate heart thou alone dost remain,
 For thine accents of love are for ever the same.

Though the voice of thy comforter 's dead,
 Yet to soothe my lone horrors thou seekest,—
 In the language of days that are fled,
 'Mid my loneliness often thou speakest ;
 And the strains which I loved when my visions were bright,
 In their melody pierce the deep shadows of night.

The invisible Spirit of Song
 In thy whispering chords hath his dwelling ;
 Yet hushed is his voice, erst so strong,
 When thy tones in soft murmurs are swelling,
 To brighten the gloom of my lone house of woe :—
 'Tis the sweetest of boons the lorn captive may know.

When, chafed unto madness, my blood
 Hath rush'd in hot agony boiling
 To my brain in a torturing flood,—
 When my soul was in sickness recoiling
 From the horrible doom of a sepulchred life,
 And my bosom hath heav'd like the ocean in strife,—

Thy strains on my anguish have sunk,
 Breathing peace,—and the turmoil was hush'd ;
 My ears have thy melody drunk
 Till the fountains in mercy have gush'd
 From their parch'd-up abodes,—with strange transport I wept,
 Then in passionless calm hath my worn spirit slept.

When from my loved home I was riven—
 When the blackness of night smote my day—
 When the freshening breezes of heaven
 On my brow were forbidden to play,—
 Still they left me my harp, with its soft soothing breath,
 That captivity's curse might not bruise me to death.

L.

SPANISH AMERICA.

In a former Number we gave some account of New Granada and Peru; we shall now proceed to present our readers with an epitome of that portion of the New World which may be more strictly termed Spanish America, commencing with Buenos Ayres in South America, and concluding with Mexico in North America,—portions of the world now rendered particularly interesting, as affording a wide field for the display of British science and British enterprise.

The Vice-royalty of Buenos Ayres is a very extensive country, forming, with the addition of the provinces of Charcos and Chiquitoes, (formerly appertaining to Peru,) a compact body of land, nearly square, stretching through 26 degrees of south latitude. Its aspect, generally speaking, is that of a level country, bounded by two immense chains of mountains, that on the side of Brazil forming its eastern, and that on the side of Peru forming its western boundary: on the west, it is also divided from Chili and Peru by the lofty ridges of the Andes. Towards the north it is bounded by desert tracts of mountain-land, from whence issue many streams that flow in every direction, till they join the large rivers which traverse the country, and have their origin in regions but imperfectly known. Buenos Ayres is not unlike a vast amphitheatre, shut in, laterally, by the mountains of Brazil and Peru; on the north, by the lofty heights which disembody their waters through the mouth of the Amazons and the Orinoco. On the south, by the widely-expanded Plata, and by a branch of the Cordillera of Chili, that runs across towards the Atlantic, bearing towards the south-east the immense opening of the Rio de la Plata, as a wide, stupendous, and magnificent portal, proportioned to the grandeur, the importance, and the extent of the regions to which it gives access. It is divided into five provinces, viz.:

1. Buenos Ayres, on Rio de la Plata, of which the principal towns are Buenos Ayres, 200 miles from the mouth of the Plata, containing between 50,000 and 60,000 inhabitants: Santa Fé, a small place, at the conflux of the Salado and the Paraguay: and Monte Viedo, 120 miles east-north-east of Buenos Ayres, containing about 20,000 inhabitants.

2. Paraguay, of which the chief town is Assumption, on the eastern bank of the great river Paraguay, eighteen miles above the junction of the first mouth of the Pilcarnago. It contains about 500 Spanish families, and several thousand Indians.

3. Tucuman, of which the chief towns are, Tucuman, 1170 miles in a direct line from Lima: San Jago del Estero, 650 miles north-north-west from Buenos Ayres, on the great road to Lima,

containing about 2000 inhabitants: Cordeva, 468 miles north-north-west from Buenos Ayres, and containing 1500 Spanish inhabitants, with about 4000 negroes: Xujuy, or Zujuy, in long. $66^{\circ} 4'$ west, lat. $23^{\circ} 5'$ south; Salta, or San Miguel de Salta, containing 400 houses, and situated long. $64^{\circ} 13'$ west, lat. $24^{\circ} 17'$ south.

4. Los Charcos and Potosi, formerly part of Peru, and situated amidst the eastern ridges of the Andes, of which the chief towns are La Plata, or Chuquisaca, containing 14,000 inhabitants. Potosi at one time contained more than 100,000 inhabitants, but they have now declined to about one-third of that number. It is 1617 miles north-west of Buenos Ayres, and 1215 miles north-east of Lima. Santa Cruz de la Sierra, is rather a large and populous town in lat. $14^{\circ} 20'$ south: La Paz is 612 miles south-east of Lima, containing 20,000 inhabitants. Its great staple article of trade is Paraguay tea, for which about 200,000 piastres, or about 45,000*l.* sterling, are received annually.

5. Chiquito, or Cuzco, formerly part of Chili, of which the chief towns are Mendoza, in a plain at the foot of the Andes, with 6,000 inhabitants; and San Juan de la Frontera, ninety-four miles north by east of Mendoza.

The magnificent Rio de la Plata, with all its tributary streams, such as the Paraguay, the Parana, the Uruguay, the Pilcanayo, the Vermejo, and the Salado, is the great drain by which the waters of this immense country are carried to the ocean. The country, with the exception of the western provinces of Los Charcos, Potosi, &c. presents a tract of land so level, as to prevent the progress of many of its principal rivers, which form, in consequence, large shallow lakes. Such, in fact, is the extreme flatness of the country, that according to trigonometrical observations, the great river Paraguay is found to fall not more than a foot within a space of 400 miles. This level condition of the country presents an insurmountable obstacle to the formation of canals or conduits, so that this grand and useful source of communication is entirely cut off, and the supply of water rendered sparing and troublesome. In Buenos Ayres, accordingly, and in other places, it is found necessary to resort to machinery in order to bring the water to the level of the houses. In consequence of the extreme flatness of the country many of the numerous streams which flow down the eastern declivity of the Andes, stagnate in the plains below, either expanding into lakes, or forming extensive marshes. In the flat plains of La Plata, the Los Xarages is formed by the collected waters of the torrents which flow during the rainy season from the mountains of Chiquitos; and the Paraguay, overflowing its banks at that period, inundates an expanse of country under the 17° of south lat. to an extent of more than 300 miles in length, and 120 in breadth. When the waters of the Paraguay subside, the lake becomes a

marsh, infested with alligators. Its banks swarm with tigers, monkeys, stags, and other wild animals, and with multitudes of venomous reptiles and insects. In addition to this lake, there are others of very considerable magnitude; and several smaller ones, which are formed by the rivers, which cannot continue their course without inundating the land in the vicinity of their banks.

It is one remarkable feature of this flat country, that it contains an immense tract of 600 or 700 miles in length, and 150 in breadth, the soil of which is saturated with fossil salt, and in which all the rivulets, lakes, and wells, are completely brackish. At the city of Assumption, a considerable quantity of salt is refined from the earth; and between Santa Fe and Cordova, as far as St. Jago del Estero, the whole ground is covered with a white incrustation of salt, even to the foot of the Cordilleras. The ground also appears white with salt-petre after a shower of rain, and the feet are chilled with it excessively. To the south-west of Buenos Ayres, from 400 to 450 miles, the country abounds with salt lakes, which produce very fine chrystalline salt. Journeys are frequently taken from Buenos Ayres to these salt lakes, and two or three carts are annually loaded with salt. The country, to the south of the great river of Patagonia, is also spread out into extensive plains, which extend in almost uninterrupted continuity.

These immense levels are a most remarkable feature in the aspect of this extraordinary country. They present a vast expanse of waving grass, 900 miles in extent, and covered with a strong and luxuriant herbage. No hill rises in this immense flat to a greater elevation than 600 feet above the level of the plain, so that, when placed on one of these eminences, the eye wanders over a space resembling the ocean, uninterrupted save by the dark indefinite spots, formed here and there by herds of cattle, or by the travelling waggons and escorts. The nutritive herbage with which they are covered, affords pasture to those countless herds of cattle that rove, unvalued and unowned, over so large a portion of South America, and whose hides and tallow alone are considered worthy of being sought after by the Spanish hunters, and form a principal article of the trade of Buenos Ayres. This country is not inhabited either by the Indians or by the Spaniards, though it is occasionally traversed by both; in these trackless deserts, there are no land-marks or traces by which the road can be discovered, for many hundred miles: the route, therefore, is pursued by the compass.

From Buenos Ayres, the great road to Potosi and Lima passes through Tucuman.

In 1748, regular stages were built all the way, post-houses were erected, and relays of horses and carriages provided. The method of travelling is in covered waggons, drawn by oxen or horses. In these the traveller may recline, and must necessarily exercise much

patience; but the produce of the mines, as well as all kinds of merchandise, are conveyed along the road on the backs of mules. Its extent from Buenos Ayes to Potosi, is 1617, or, according to some accounts, 1873 miles, 400 of which pass over the elevated chains of the Andes, and are impassable for the waggons from Potosi to Lima. The road passes over the highest ridges of the Andes, and the traveller, who undertakes so hazardous a journey, is exposed to many perils and privations, not only from being subject to the utmost extremes of heat and cold, but from the exceeding ruggedness of the country through which he has to pass. About 500 miles from Buenos Ayres, in a north-west direction, the ground begins to rise considerably; and at double that distance, at the town of Salta, all the less elevated ridges terminate, when the traveller finds himself in a region so bold and romantic—so stupendous and awful—that his mind is almost bewildered with its grandeur and magnificence. In a few hours he is transported from the scorching heat of the unsheltered plains to the perpetual winter which reigns amid the snowy summit of the Andes; and the health of the most robust European is shaken by the effects of this violent transition. The road, as we have already said, continues among the Andes for 400 miles. The thick woods of Tucuman are then lost; and the swarms of locusts, crickets, ants, mosquitos, toads, frogs, serpents, and alligators, now disappear, the traveller having by this time entered the temperate region. The road then winds amidst abrupt and frightful precipices and chasms, and sometimes the path is so narrow, that even the mules dare scarcely move. It is, however, indented with deep holes, in which the animals place their legs, and thus prevent the danger of slipping over the precipices. At other places, where the road inclines at a great slope, these sagacious and highly useful creatures place themselves with their fore and hind feet close together, and, inclining forward, as if about to lie down, they slide with inconceivable velocity to the bottom. These immense mountains, in some parts, are traversed at the bottom by narrow and perpendicular clefts, where, if the mule falls, his rider must inevitably be crushed to death.

There is another difficulty, also, to encounter in journeying amidst this region of rocks and mountains; and this is, the passage of the numerous rivers and torrents which intersect them. To cross those which are shallow, very large and high horses are used, being trained for the purpose; over the deeper ones rope-bridges are thrown, and it is only in summer that this journey can be at all attempted, as the swelling of the rivers in the winter render them impassable. Even in summer, when the snow in the higher regions suddenly melts, the torrents are swollen to such a degree, and rush with such overwhelming force from the mountains, that many an unhappy traveller perishes. The country is here mountainous,

sold, and barren; and the mountains are so high, as to be adverse to all vegetation. But these regions are rich in mineral treasures; they abound in silver, and, to a certain extent, in gold, which is sometimes procured by mining, sometimes gathered from the sands, or collected from the streams. It is in this secluded and almost inaccessible district that the celebrated mines of Potosi are situated.

The city itself is built on a ridge of the Andes, in an elevated situation, where the climate is cold, and the environs bleak and barren. The mines are in the same mountain as that on which the city is built. They are composed of a yellow, very firm, argillaceous slate, full of veins of ferruginous quartz, in which silver ore, and, sometimes, brittle vitreous ore, are found interspersed. These crude ores were found, by Helms, the German mineralogist, (who visited these mines by order of the King of Spain,) to contain from six to eight ounces of silver in every caxon, or fifty hundred weight. There was also a solid silver ore, which yielded, for every fifty hundred weight, about twenty-four pounds of silver. Nothing, according to Helms, could equal the ignorance and carelessness which prevailed in the management of these mines. Many of them are overflowed with water, which proper machinery might very easily draw off. The methods adopted for this purpose were ill-directed, and, generally, ineffectual. M. Helms saw a drain, which, even at its mouth, was too high to be of any use, and which had been carried, at an incredible expense, more than two miles in extent. Still greater ignorance was, if possible, displayed in the smelting-houses and refining-works at Potosi. By their clumsy method of amalgamation, they were scarcely able to obtain two-thirds of the silver contained in the ore; and for every marc, or eight ounces of pure ore, frequently two marcs of quicksilver were destroyed. All the operations necessary for the separation of the metal from the other substances with which it is found combined, were conducted in the most slovenly, wasteful, unscientific manner. In the Royal Mint, at Potosi, where the produce of the mines is coined, to the amount, annually, of about 4,800,000 ounces of silver, and about 16,000 ounces of gold, affairs are not better managed. Every hundred weight of refined copper, used for alloy in the gold and silver coin, costs 35*l.*, through the gross ignorance of the overseers of the work, who spent a whole month in wasting and calcining it. These various evils, the German commissioners, sent over by the King of Spain to inspect the mines, endeavoured to remove. For this purpose, they contrived machinery for draining them of water; and they constructed a new laboratory, according to the most improved modes, by which the copper ores, used for alloy, could be refined in four hours and a half, and for one-twentieth part of the expense incurred by the former process. New amalgamation works were

also erected, and suitable instructions given to those employed in the mines. 'As soon as the water in the pits (observes Helms) can be drained off, the mines of Potosi will be in a more flourishing condition than ever. The total want of timber, however, on the naked ridge of mountains on which Potosi is situated, very much retards the work. In 1790, the mine of Potosi coined 299,246 piastres of gold, and 3,293,173 of silver, or 886,620*l.* sterling

Buenos Ayres trades with Peru, Potosi, and Chili, and is also the great medium of communication with Europe. This consists chiefly in a supply of mules, about 60,000 yearly, with which Peru and Potosi are furnished for carrying on the work of the mines. These mines being situated among the mountainous regions of the Andes, where nothing is produced for the sustenance of man, must derive supplies of subsistence from the lower and more fruitful regions in their vicinity; and the produce thus imported is repaid with the precious metals, the only commodity which is produced in those bleak and barren regions. This gives rise to an extensive trade between Potosi and Peru, and also between the neighbouring provinces of Buenos Ayres, in which gold and silver are exchanged for articles of provision, such as maize, wheat, flour, oil, pimento, sugar; cottons likewise, and hides, wax, soap, and tallow, are procured, with articles of clothing, and articles for the use of the mines.

There is another article of great importance in the trade of the country, namely, Paraguay tea. So useful is this plant, that the mines would stand still if the owners neglected to supply their workmen with it; and every person in Peru, Chili, and Buenos Ayres consider themselves wretched if not able to procure it. The consumption, therefore, is very great, there being two millions of piastres' worth of it sold every year from the province of Paraguay. It is infused and made nearly in the same way as Chinese tea, excepting that the branches are put in with the leaves, and that it is drank out of the vessel in which it is made, through a silver or glass tube; it must be drank as soon as possible after it is made, for if it stays too long, its aroma evaporates, and it is not considered good. The smell and colour of this beverage are nearly as fine as the best Indian teas. The population of the Vice-royalty of Buenos Ayres is estimated at 1,100,000.

SIR EDWARD EAST'S SUGGESTED REFORMS IN INDIA.

No. III.

*Of the Reforms of the Mofussil Laws.**

THE defects in the present administration of justice throughout the British provinces of India, arise as well from the system of law itself, as from the mode of administering it.

When the Musulmans conquered Hindoostan, in order to secure and strengthen their conquest, they wisely established (having power to do it) their own courts of justice, with laws, whether of Musulman or Hindoo origin, to be administered in their own language, which was the Persian. As they acquired proselytes amongst the Hindoos, the Hindoo code, still preserved by the conquered, naturally crept into their courts again, or was partially retained at first from policy.

The East India Company, having afterwards acquired the dominion of the provinces from small beginnings, was too weak for some time to attempt the same innovations; and when it grew stronger, it was still embarrassed by holding its dominion under the sovereignty, more or less nominal, of the Musulman Prince; and before it was effectually emancipated, adverse interests and opinions had grown up in its own body, and amongst many of its servants entitled to weight from their station and characters, who long cherished the hope, and long disappointed by experience, of ameliorating the Musulman establishments by the help of Musulman instrumentality. From these, and other considerations of a cautious policy, the Company has preserved, as nearly as the British character could be brought to bear it, the same system of judicial administration which it found conveniently established to its hands by the Musulmans, its predecessors in the Government; only new modelling some of the forms, and modifying or rejecting a few of the most obnoxious rules and practices.

The Criminal Code already altered.

At this day, in addition to the two distinct and original codes of law which have prevailed in India, the Mofussil courts administer a third, now growing up, compounded of new regulations, promulgated from time to time by the British Government, and also of partial

* Mofussil is the general term used in India for all the provinces of the interior over which the East India Company's power extends;—the Hindoo and Mohammedan laws being there alone observed; the British Courts being confined to the three principal towns or presidencies of Calcutta, Madras, and Bombay.

grafts, by construction of their own, from the English upon the the Hindoo and Musulman laws, which the expense, uncertainty, and contradictions of both the Native codes, render easy enough, in very many instances, if it were done upon a judicious and consistent plan by those who have a general knowledge of the three different codes.

This state of things must of necessity engender much embarrassment and confusion, particularly to young beginners: for, in addition to the loose dogmas of the Musulman, and the over-refined and conflicting expositions of the Hindoo code, a young Judge, untrained in any systematic judicial education, has also to learn upon what points and to what extent the principles of the English law have modified, or the modern local regulations have wholly abrogated, the original texts. This is a knowledge that must require deep application and practical experience; and where are the fountains of knowledge to be found, or the living teachers to whom the scholars can have access?

Remedy suggested.

The best method, I believe, of escaping out of this labyrinth, in which the body of the people, the Native pleaders, and junior administrators of the law are lost, (though a few of the best informed Judges may discover their way,) would be to give them * the general body of the English common and statute law of evidence, of contracts,† of the torts and damages, together with the substance of all manner of pleadings, stripped of their technicality, according to every subject matter of complaint, so that distinct issues only may be presented for judgment, and thereby much time and valuable labour of the Judges be saved; and also of all criminal matters, together with the substance of pleadings therein; with such necessary exceptions of a local character, in respect to the English criminal code, as the Judges of the Mofussil court of highest criminal jurisdiction should deem inapplicable to this people, and to the institutions of the country.

It would be better to leave the power of rejecting prior statutable enactments, within the limit of obvious necessity, in their hands; and by degrees, as the occasions happened and experience grew, it would be well understood what laws and statutes did or did not apply. From all the information I can procure, I believe that the change would be highly acceptable to the Natives.

* Perhaps this might be done by way of instruction to the Judges to guide their construction and practice of the local laws.

† Rejecting the technical distinction between the contracts under seal or not.

Retaining Native laws.

I would retain the Hindoo and Musulman text laws of title of land, inheritance, and succession, to which the respective people are accustomed, and also their rules of marriage and adoption.* The modes of administering these, which are at present very loose, would be gradually defined and regulated by the construction of the courts, as cases of doubt and difficulty arose, and, above all, by applying the rules of construction of the English law to the whole body of administrative justice, including even the Hindoo and Musulman text laws of title, inheritance, succession, marriage, and adoption; the whole would soon be amalgamated into one consistent and intelligible system, which, in every case of doubt, there would be some common regulating principle, either direct or express, to resort to, derived from the English law, which would be the leavening principle of the whole mass.

As matters now stand, no man can tell before hand in a case of doubt, whether the Judge will look for a solution of it to any principle derived from either of the common codes, or from a modification of his own derived from all or any of them.

Title of Inheritance.

The laws of title, inheritance, and succession, being in their nature purely arbitrary, it is as easy and better to adopt those which are already familiar to the people, than any other; and there would be no manner of difficulty in engrafting the Hindoo rules of title and inheritance, for all the sons to take equally in the place of the eldest son, as by the English law; or for the widower or widows, in lieu of dower of one-third, to be maintained, as by the Hindoo law, by all the sons while living together as one individual family, or, in case of severance of the sons, to have an equal share with them, partitioned to such widow or widows, in like manner as an English widow would have partition, in the first instance, of her third.

Succession.

The successors to personalty are as well known in the one law as in the other, and the same remedies are now administered by the Supreme Court to Natives in all cases as at home to British subjects, for securing to them their rights, and vindicating their wrongs.

Marriage.

The local laws of marriage are already recognized by the law of

* This is, in effect, to retain every law which is in its nature essentially local, engrafting only on it the well-tried and sound principles of evidence and rules of construction, derived from a more perfect and highly-cultivated system.

England, and need no new engrafting; the difference is merely ceremonial.

Adoption.

The law of adoption may be readily engrafted, upon proof of certain ceremonies performed; and when adopted, the son inherits in like manner as if he were born in wedlock at that time, with all incidental consequences.

Caste.

The rules of caste should be left to be decided, as they now are at Calcutta, *in foro domestico*, and would only be collaterally recognized, as where an assault was aggravated by an act offensive to caste, when it enhances the damages or punishment.

Revenue.

There exists already under this Government a peculiar code of revenue laws, which, having been found effectual and beneficial in general practice, would of course be preserved, improving with experience.

Advantage of English Law over other imperfect Systems.

The benefits to be derived from this course would be immediate and extensive, in proportion to the knowledge of the English law, possessed or to be acquired by the administrators; for the artificial and local parts to be retained from the Native codes are few and simple, and of easy attainment to men accustomed to such pursuits; while the uninformed would at least know the quarter to look to for principles to guide their judgment in doubtful matters, where now they have no guide or compass of any kind to steer by.

In truth, this is no new experiment, but one which has been tried for forty years, and has succeeded upon the establishment of the Supreme Court under the charter of 1774. The laws of England were in general transferred hither, but the statute 21 Geo. III. c. 70. s. 17, provides, that the inheritance and succession to laws, rents and goods, and all matters of contract and dealing between Moham-medans, shall be determined by their laws and usages; and the like between Gentoos: and when only one of the parties shall be a Mohammedan or a Gentoo, by the laws and usages of the defendant. No difficulties have been felt in adjusting the Native laws of title, inheritance, succession, marriage, and adoption, to their corresponding places in the English code; and none other Native laws * have ever come in conflict with the English, though the forms of the latter have bent in certain cases † to the prejudices of caste, while the

* Rejecting the technical distinction as to contracts under seal.

† Such as the mode of serving process in regard to women, and of examining them as witnesses.

I should rather have said, the English mode of administering the law as it prevailed in Calcutta, for the Natives know no other.

superior value of Native property submitted to the cognizance of the English code, so modified, compared with the like property under a different system, speaks more than volumes can do on the subject. I have been informed by persons of intelligence, that the Hindoos of the upper provinces had lately expected the extension of the English law, in the sense I have mentioned, to all parts of Hindoostan, and were much disappointed that it did not take place.

Mode of administering the Criminal Code.

The only difficulty, I am aware of, would arise from the mode of administering the criminal law, rather than from the law itself; a difficulty, however, which already exists in full force. British juries could not be found out of the different capitals of the Indian Governments; and a jury of Natives in the country would, in their present consideration, be practically wise.

But do not reject a partial good because the entirety cannot be obtained. Let the Mofussil Magistrates in the provinces continue, as before, to administer the laws criminal as well as civil, (subject, however, still to the reversion of the superior tribunals in cases of weight, which the measure of punishment would sufficiently define for all practical purposes,) * until present conviction or growing experience shall point out the necessity of an improved system of administration: for, let the subject be what it may, any substantial benefit to the subject can only be looked for from the employment of persons well trained and well instructed in judicial knowledge.

The general measures of punishment of the English criminal code would of course be adopted, if not already in use, unless in cases where a special provision has been made for India, (and also subject to any local ordinances of this Government made or to be made;) and, in lieu of transportation, which is hardly applicable to many parts of the country without great inconvenience and expense, and which is often found either disproportionately heavy, or nearly inoperative to its purpose, sentence of imprisonment might be passed for any time, not exceeding any periods fixed for transportation, and with or without hard labour, in or out of doors, and personal chastisement, as might be deemed expedient. But a precise charge in writing, to be preferred by the accuser, is never to be omitted: and the substantial form of the English judicature (freed from its local peculiarities) has the pre-eminent merit of simplifying every charge, and rendering it single and distinct. As the law is now administered in the Mofussil, the charge is most general, so that the accused cannot know what he is called upon to answer, and man may be con-

* I speak this under correction, for I am not entirely satisfied whether a British Magistrate in the zillah courts might not advantageously be instructed to advise with a few well-informed Natives on matters of fact in criminal cases.

victed of an offence quite different from the general complexion of the charge. This leads to excessive perjury.

The policy appears obvious of weaving the British into the Native laws in all general points not purely local, and of retaining the direction of the judicial administration in British hands as much as is consistent with an economical and, what is no less essential, with an expeditious decision of every matter, according to its frequency and its importance.

Political Judicial Policy.

If further experience be wanted, and more caution necessary, let the experiment be gradually tried in small districts adjoining to Calcutta, and the other capitals extending or contracting the system as it shall be found to answer in practice.

SONG.—BY MRS. GORE.*

He said my brow was fair, 'tis true ;—
He said mine eye had stol'n its blue
From yon ethereal vault above !
Yet still—he never spake of love.

He said my step was light, I own ;—
He said my voice had won its tone
From some wild linnet of the grove !
Yet still—he never spake of love.

He said my cheek looked pale with thought ;
He said my gentle looks had caught
Their modest softness from the dove !
Yet still—he never spake of love.

He said that bright with hopes divine
The heart should be to blend with mine ;
Fixed where no stormy passions move !
Yet still—he never spake of love.

He said—but wherefore should I tell
Those whispered words I loved so well ?
Could I reject—could I reprove—
While still he never spake of love ?

* From 'The Literary Souvenir' for 1828.

THE AFRICAN ASSOCIATION, AND LEDYARD THE AMERICAN TRAVELLER.

A SINGLE unpublished volume, under the title of 'Memoirs and Travels of John Ledyard,' has been just received from America, for the purpose of being printed in England; and as the publisher to whom it has been addressed for this purpose, has kindly permitted us to examine it before it is sent to the English Press, we have selected from its pages the following original and interesting notice of the African Association, and the Traveller employed by them, hoping to be able to give a more extended account of his extraordinary undertakings in our next :

'The Society, in whose service Ledyard was now engaged, had its origin with a few individuals in London, but the number of its members soon increased to about two hundred, among whom were some of the most eminent men in the kingdom. Their immediate object was to promote discoveries in the interior of Africa, and a fund was raised by a subscription from each member, for the purpose of effecting that object. The Society was denominated the *African Association*, and was patronized by the king. A committee was to be annually chosen by ballot, whose duty it was to transact the affairs of the Society, by taking charge of the funds, employing persons to travel, collecting intelligence, and keeping up a correspondence with various parts of Africa. The first committee appointed, and that with which Ledyard made his arrangements, consisted of Lord Rawdon, the Bishop of Landaff, Sir Joseph Banks, Mr. Beaufoy, and Mr. Steuart. Among the other members who joined the Society at the beginning, were Mr. Addington, the Earl of Bute, General Conway, the Duke of Grafton, Edward Gibbon, John Hunter, Dr. Lettsom, the Earl of Moira, the Duke of Northumberland, Lord Sheffield, Benjamin Vaughan, and Mr. Wilberforce. An institution, supported by names of such weight and respectability, would naturally attract public attention, and ensure all the success of which the nature of its designs was susceptible.

'For many ages the continent of Africa had been a neglected portion of the globe, of which the rest of the world had taken little account. The learning, and splendour, and prowess of Egypt were departed; Carthage, with all its glory, had sunk into the dust; the proud monuments of Numidian greatness had been blotted from the face of the earth, and almost from the memory of man. The gloom of this scene was heightened, not more by the ravages of time in destroying what had been, than by the contrasts which succeed-

ing changes had produced. A semi-barbarous population, gathered from the wrecks of fallen nations, enemies to the arts and to the best social interests of man, had gradually spread themselves over the whole northern borders of Africa, and presented a barrier to the hazards of enterprise, no less than to the inroads of civilization. Whatever might be the ardour for discovery and the disregard of danger, nobody cared to penetrate into these regions, where all was uncertainty, and where the chance of success bore no proportion to the perils that must be encountered.

‘ There is no question, that the northern half of Africa was better known to the Romans, at the time of Julius Cæsar, than to the Europeans in the middle of the eighteenth century. A few scattered names of rivers, towns, and nations, occupied the map of the interior, traced there by a hesitating hand, on the dubious authority of the Nubian geographer, Edressi, and the Spanish traveller, Leo Africanus. The rhymes of Swift on this subject were not more witty than true :

“ Geographers, in Afric maps,
With savage pictures fill their gaps,
And o’er unhabitable downs
Place elephants for want of towns.”

‘ At the beginning of the sixteenth century, Leo penetrated as far as Timbuctoo and the Niger, but so imperfect were his descriptions even of what he saw, that very little geographical knowledge was communicated by them. He was on the banks of the Niger, but it could not be ascertained from his account, whether this river ran to the east or west, nor, indeed, whether it existed as a separate stream. In short, down to the time when the African Association was formed, almost the whole of this vast continent, its geography and physical resources, its inhabitants, governments, languages, were a desideratum in the history of nature and of man. It could not be doubted, that many millions of human beings inhabited these hidden regions. Nor were the character and condition of these people, their institutions and social advancement, mere matters of curiosity ; they had a relation to the people of other parts of the globe, and, when discovered and understood, might be turned to the common advantage of the great human family. There are no nations that may not profit by an intercourse between each other, either by an exchange of products peculiar to each, or by a reciprocal moral influence, or by both.

‘ On these broad and benevolent principles the Society for promoting discoveries in Africa was instituted, and the scheme was worthy of the enlightened philanthropists by whom it was devised. Ledyard’s instructions were few, simple, and direct. He was to repair first to Egypt, travel thence across the continent, make

such observations as he could, and report the results to the Association. Every thing was left to his discretion. His past experience, the extraordinary energy of his character, his disinterestedness, and the enthusiasm with which he engaged in the present undertaking, were all such as to ensure the confidence of his employers, and inspire them with sanguine hopes.

‘As for himself, at no period of his life had he reflected with so much satisfaction on his condition or his prospects. Heretofore he had always been alone, oppressed with poverty, and contending with an adverse fate. But now he was free from want, patronized by the first men in Great Britain, and engaged at their solicitation, and under their auspices, in an enterprise fraught, it is true, with many dangers, but promising the glory of which he had ever been ambitious, and opening to him a field of adventure, which his imagination had pictured to him as the first to be chosen, after he had discharged what he deemed a paramount duty, in exploring the unknown parts of the continent to which he owed his birth. When he was departing from London for Egypt, he may be said to have been, for the first time in his life, at the summit of his wishes. All previous cares, defeats, and disasters, appear to have been forgotten, or swallowed up in the deep interests of the present, and the cherished anticipations of the future. A letter written to his mother at this time will indicate the tone of his spirits :

“Truly is it written, that the ways of God are past finding out, and his decrees unsearchable. Is the Lord thus great? So also is he good. I am an instance of it. I have trampled the world under my feet, laughed at fear, and derided danger. Through millions of fierce savages, over parching deserts, the freezing north, the everlasting ice, and stormy seas, have I passed without harm. How good is my God! What rich subjects have I for praise, love, and adoration!

“I am but just returned to England from my travels of two years, and am going away into Africa to examine that continent. I expect to be absent three years. I shall be in Egypt as soon as I can get there, and after that go into unknown parts. I have full and perfect health. Remember me to my brothers and sisters. Desire them to remember me, for, if Heaven permits, I shall see them again. I pray God to bless and comfort you all. Farewell.”

‘At length the preparations for his departure were completed. He had become well acquainted with the views of the committee: and a sufficient amount of money had been raised, by the subscriptions, to provide for the expenses of his journey to Egypt, and to purchase such articles of merchandise as might be found neces-

sary to enable him to assume the character of a trader in a caravan to the interior, or for travelling in any other manner, which he should deem most expedient when on the spot. The last letter he wrote to America was a short one, dated at London, on the 20th of June :

“ I suppose that my letter and curiosities, sent by Mr. Jarvis, are now half way over the Atlantic. Here you have a little portrait, which I leave to the care of his brother in town. Enclosed with it is a poor portrait of me, taken by the dumb boy mentioned in my other letter. If it were any thing like painting, I would desire you to keep it. As it is, I beg you will send it to my mother. She will be as fond of it as if done by Guido. I would have sent it framed, if the opportunity would have permitted. To-morrow morning I set out for France. Adieu.”

‘ Accordingly he left London on the thirtieth of June. Mr. Beaufoy speaks of the interview he had with him, just as he was setting off, and adds these affecting remarks, as given in Ledyard’s own words :

“ I am accustomed,” said he, in our last conversation, (’twas on the morning of his departure for Africa,) “ I am accustomed to hardships. I have known both hunger and nakedness to the utmost extremity of human suffering. I have known what it is to have food given me as charity to a madman ; and I have at times been obliged to shelter myself under the miseries of that character, to avoid a heavier calamity. My distresses have been greater than I have ever owned, or ever will own to any man. Such evils are terrible to bear ; but they never yet had power to turn me from my purpose. If I live, I will faithfully perform, in its utmost extent, my engagement to the Society ; and if I perish in the attempt, my honour will still be safe, for death cancels all bonds.”

‘ In Paris he met with Mr. Jefferson, Lafayette, and several others of his old friends, whom he had left there three years before, and towards whom he entertained sentiments of the warmest gratitude. He continued at Paris seven or eight days, and then proceeded to Marseilles, where he took ship for Alexandria.’

‘ Having passed ten days only at Alexandria, he pursued his journey up the Nile to Cairo, where he arrived on the 19th of August.’

‘ As he was furnished with letters of recommendation to the British Consul at Cairo, he found little difficulty in procuring such accommodations as he desired, and such information as enabled him to direct his attention immediately to the great object of his mission. His intention was to join a caravan bound to the interior, and to continue with it to the end of its route. Beyond this he must be guided by circumstances, which could not be foreseen, and concerning which no calculation was to be made. He adopted a dress suited

to the character he was to assume, and began in earnest to study the manners of the people around him, and particularly of the traders in the caravans which were then at Cairo. Three months were passed in this occupation.'

'The last letter which Ledyard is known to have written, either to Mr. Jefferson, or to any other person, was from Cairo. He wrote to the secretary of the Association, probably by the same conveyance, stating that, after much vexatious delay, all things were at last ready for his departure, and that his next communication might be expected from Sennaar. The Aga had given him letters of recommendation, his passage was engaged, the terms settled, and the day fixed on which the caravan was to leave Cairo. He wrote in good spirits and apparent health, and the confidence of the Association had never been more firm, nor their hopes more sanguine, than at this juncture. Their extreme disappointment may be well imagined, therefore, when the next letters from Egypt brought the melancholy intelligence of his death.

'During his residence at Cairo, his pursuits had made it necessary for him to be much exposed to the heat of the sun, and to other deleterious influences of the climate, at the most unfavourable season of the year. The consequence was an attack of a bilious complaint, which he thought to remove by the common remedy of vitriolic acid. Whether this was administered by himself, or by some other person, is not related, but the quantity taken was so great, as to produce violent and burning pains, that threatened to be fatal, unless immediate relief could be procured. This was attempted by a powerful dose of tartar emetic. But all was in vain. The best medical skill in Cairo was called to his aid without effect, and he closed his life of vicissitude and toil, at the moment when he imagined his severest cares were over, and the prospects before him were more flattering than they had been at any former period. He was decently interred, and all suitable respect was paid to his obsequies by such friends as he had found among the European residents in the capital of Egypt.

'The precise day of his death is not known, but the event is supposed to have happened towards the end of November, 1788. He was then in the thirty-eighth year of his age.'

PROGRESS OF MEDICAL REFORM IN ENGLAND.

Manifesto of the College of Physicians—Intended Petition to Parliament of the Independent Physicians.

By the influence of free discussion, both the necessity of medical reform, and the kind of reform wanted, are becoming daily more extensively apparent. Elucidation advances with a sure, a steady, and an accelerating pace; the dispute in progress between Dr. Harrison and the College of Physicians serving at the same time practically to illustrate the several points at issue of that important subject, which, in the abstract, might not be so readily comprehended. This double process, of general discussion and particular disputation, has already displayed in proper colours the enormity of the abuses which have so long prevailed in this ill-fated department; and the occasional direct, or indirect defences, which have been made for or by the monopolists, or governing bodies, of the different branches of the profession, have served seasonably to supply texts for commentaries to their opponents. Thus the preliminary, and, perhaps, the most difficult part of the process of reform, viz. the indication of the prevailing abuses, and the development of their causes and consequences, may be said to be already accomplished, leaving only to the Legislature the comparatively easy task of effecting the cure, by the timely and due application of obvious remedies. These remedies, a proper course of education being presupposed, would principally consist in the tests of professional fitness, and the sources of professional privileges, emanating exclusively from the Universities, these being properly organised, and an open and unrestrained competition being established in all the branches of the department. It is here more especially our business to advert to the higher branch, or that of the Physician, the organisation of which has, in this country, had so extensive and baneful an influence on that of the subordinate branches.

Pudit hæc opprobria nobis
Et dici potuisse, et non potuisse refelli.

In England, the Physicians are at present artificially divided into three classes: 1. The independent physicians, consisting of all the doctors of medicine in the kingdom, the members and appendages of the now disputed London monopoly excepted. They claim their privileges by right of their University degrees, the only valid foundation of authority to practise medicine with which we are acquainted. We know not what may be their precise number, but they must amount to many thousands. If there were no undue restrictions, from twelve to fifteen hundred would be constantly required for the medical service of London alone, according to its

actual population ; whilst, under the arrogated monopoly of the College, the physicians practising in the metropolis do not equal *two hundred*, a number quite insufficient for the exigencies of the sick, the limitation being otherwise productive of consequences highly injurious to the public, by maintaining high fees, and occasioning the excessive administration of drugs, by unduly increasing the other branches of the profession.

2. The second class consists of the monopolists, or Fellows of the College of Physicians, arbitrarily and exclusively taken from doctors of Oxford and Cambridge. These, unless they have studied in other places, can have no adequate medical education : they do not undergo, at their Universities, any examinations which can be considered as tests of professional fitness ; and the College ordeal consists principally of translations from Hippocrates, Celsus, Galen, Aretæus, or other ancient authors, whose works are of no value at the present day.

The fancy of connecting medical knowledge with that of a dead language, irresistibly reminds us of the satire of Burns :

A set o' dull, conceited hashes
 Confuse their brains in College classes,
 They gang in stirks—and come out asses,
 Plain truth to speak ;
 An' syne they think to climb Parnassus
 By dint o' Greek.

But, at the present day, with men of liberal education and extensive intercourse with the world, like the fellows of the College generally, a prejudice so palpably unfounded, we must conclude, cannot be real, but only feigned for the purpose of palliating a measure which they are sensible cannot be defended upon any rational grounds. Why the governing body of the College should have thought fit exclusively, as well as illegally, to limit the fellowship (which, in their sense of it, is itself illegal) to doctors of Oxford and Cambridge, is not to be accounted for upon any other principle than that, from the smallness of their number, they might all be admitted without endangering the monopoly. Dr. Radcliff must have been aware of the insufficiency of medical education at Oxford, when he bequeathed 600*l.* per annum for the support of two travelling fellowships. Yet, with even this inducement to study at Oxford, we find that, in 1823, only four persons were admitted doctors of medicine, of whom two were Radcliff fellows, and two bachelors of medicine, one of whom was admitted *ad eundem gradum* from Dublin !

3. The third class consists of the appendages to the now disputed London monopoly, under the degrading title of Licentiates of the College of Physicians. These, according to the rules enacted by the College for themselves, are not necessarily doctors of medicine. The senior licentiate on the list for many years was a Mr. D'Argent, who

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is only recently dead. In 1704, there were ten licentiates of this description in the annual list. Being only expected to practise among the lower orders, and in cases of trivial disease, the licentiates are not required to possess the same polish, profundity, or erudition, with the fellows. It is not necessary that they should be so skilled in medical arcana, or accomplished in the dead languages. They are not members of the Corporation, but appendages, and have no '*negotia*.' Accordingly, the illegal farce of examining for the illegal title of licentiate is, with great pomp and gravity, affected to be conducted in a different manner from the illegal farce of examining for the illegal rank of fellow; and the examination to be proportionally slighter. The whole of this constitutes the most exquisite piece of quackery upon record, not even excepting the process of touching for the cure of the king's evil, in the seventeenth century, by Leverett, the Chelsea gardener, ('I touch,' says he, 'God cures;') or the curious examination of that personage by the College of Physicians. The licentiates are required to pay to the fellows from 60*l.* to 70*l.* each for the honour of being in their train, and to swear, *kneeling*, that they will obey the by-laws of the Corporation, which they are not permitted to see!

At present, the medical service of London, which, according to the proportions prevailing in other places, ought to occupy from 1200 to 1500 physicians, is nominally performed by less than 200 fellows and licentiates; whilst it is in reality, and of necessity, performed by surgeons, apothecaries, and general practitioners. The direful consequences to the public of this state of things are, that a physician's fee, which is half-a-crown in other places, is a guinea (eight times as much) in England, and that the sick are, in a manner, instead of advice, compelled to live, to die, or otherwise to suffer, by swallowing medicines.

The previous evils of ignorance and quackery united were now to be surpassed by the evils of the monopoly grafted by the College on the charter of Henry the VIII.: that charter, and the Act of Parliament by which it was confirmed, was simple, and suited to the times. They established no monopoly. By the privileges granted to physicians, the surgeons were limited to their own branch of the profession, and the apothecaries to the dispensing of drugs. But matters soon materially altered. The College of Physicians, in many respects the legitimate successor of the monastic institutions of the dark ages, and some of their members still exhibiting a curious compound of the medical and clerical character, speedily departed both from the letter and the spirit of the principles upon which they had been established, and acted as if the powers granted to them had been bestowed, not with any reference to the interests of the public, but entirely to serve their own selfish purposes. They early violated their constitution, restricted the number of their members, and effected a perfect monopoly. The gradual transfer of almost all the practice of physic,

strictly so called, to surgeons, apothecaries, and empirics, was the necessary result of this undue limitation of the number of physicians ; and the consequence of the whole a scene of universal strife and litigation in the profession, baffling description, which continued, without intermission, for nearly two centuries. In a century more, through the intervention of lawless monopolies, medical bodies assumed the unwholesome aspect which they now bear. Throughout the whole of these periods, the varied grievances which thus prevailed were most sensibly felt by all the branches of the profession, as well as by the public ; and although some of these branches occasionally benefited more than others from the casual changes which were in the course of operating, there was not one of them which had not cause to lament the evils of perpetual uncertainty and fluctuation. The source, however, from which all these mischiefs sprung, and their various modes of operation throughout the different classes of society, had not hitherto been accurately investigated. Consequently, the attempts at opposition or resistance, which were occasionally made to the arrogated authority of the College, now ascertained to be the main source of all the existing evils in the profession, were isolated, feeble, or conducted upon erroneous principles, and, as might naturally be expected, wholly failed. The combined and more systematic efforts, which, more than thirty years ago, were made by the licentiates, having merely in view to compel the fellows to grant them a larger share of their Corporation privileges, were unsound, both in principle and in object, and deservedly suffered a like fate.

We may now turn, however, from these barren and disgusting prospects to the more gratifying and exhilarating view of a real medical reform, founded upon salutary principles, and directed to benevolent objects, which has more than begun to dawn upon us. About two years and a half ago, a few physicians, residing in the metropolis, viewing with regret the artificial, forced, discordant, and disproportionate state, in which the different branches of the medical profession were placed, and the highly injurious consequences of that state, both to the profession and the public, thought that they could not render a more essential service to the community, than by endeavouring to develop the causes and the effects of these phenomena, thereby indicating the remedy, or the means of cure. With these intentions, they constituted themselves a private association, and held their first meeting on the 27th of July, 1825 ;—afterwards, for the sake of distinction, taking the appropriate, legal, and every way unexceptionable title, as applied to such an association, of ‘ The Faculty of Physic.’ The fruits of their exertions, as will soon appear, have been already abundant. They have, for the common good of the profession and the public, maintained an extensive correspondence with independent physicians, (from which they are an emanation,) both in town and country. In May 1826, they published, through the House of Longman and Co., ‘ An Exposition

of the State of the Medical Profession in the British Dominions, and the injurious effects of the Monopoly, by usurpation, of the Royal College of Physicians in London.' In August 1826, an 'Address to Physicians' was extensively circulated, embodying, in a succinct form, the principal propositions of that work. By these and other means, they endeavoured, through that great promoter of truth and justice, the press, not unsuccessfully to make the public acquainted with their views, motives, and objects, as well as with the enormous evils of the system, to which they wished to see an effectual remedy applied. The assiduity with which the propositions they thought it essential to inculcate, have been detailed and elucidated through the various channels mentioned, has been such, that, notwithstanding the great influence, from position and connections, of the monopolists of the College of Physicians, the public mind had become, in little more than the space of two years, considerably enlightened on this hitherto obscure, and purposely mystified subject. It was, whilst things were in this state, that, in May 1827, an incident arose, peculiarly calculated to combine practical with théoretical elucidation of the mischiefs of College domination. A Fellow of that body availed himself of one of the most barbarous of the by-laws of his corporation, and, in conformity with it, refused to meet in consultation with one of the independent physicians practising in London. The letter of Dr. Harrison,* the independent physician in question, to Dr. Chambers, upon this occasion, in which a deliberate and well-digested defiance was hurled against the arrogated authority of the College, was so extensively circulated that it must have been perused by every person who is in the habit of reading newspapers, from John O'Groat's House to the Land's-end.

The College took the alarm. They felt their arrogated privileges escaping from their grasp, and their new edifice in Pall Mall East shaking under them. The terms of Dr. Harrison's letter, although courteous, were such as to place them under the necessity of immediately attempting, in his case, to enforce their disputed privileges, or to abandon at once all pretensions to the exercise of any government over the profession. They embraced the former alternative. They resorted to contra-stimulants. The censors, accordingly, addressed a letter to Dr. Harrison, admonishing him to desist from practice, until he had been examined by the College, and received their license thereto, or, in case of non-compliance, threatening to prosecute him for penalties. They invited him three several times to appear at their board; which invitations, whilst he wholly denied their authority, he as often unhesitatingly declined. They applied to the charter and act of Henry VIII.; whilst their opponent, with more reason, averred, that even their name of censors was not once mentioned

* *Oriental Herald*, vol. xiv. p. 25.

in these documents. On seeing the legality of their alleged privileges openly denied, they began to consult their lawyers. They retained the Attorney-General, and doubtless other eminent counsel. These circumstances show how little the College and their officers had been previously acquainted with their true position. Because their pretensions to interfere with the practice of physicians had not hitherto been opposed upon proper grounds, or successfully resisted, they were accustomed to take for granted that their claims were well founded, and their position invulnerable. The correspondence of Dr. Harrison with the censors, upon this occasion, having appeared generally in the Journals, need not here be repeated. It served to bring them a little to their senses; and their fulminations terminated. Six months have elapsed, comprehending the whole of the Michaelmas term, without any act of legal prosecution being undertaken by the College. Under these circumstances, the public naturally concluded that they had abandoned all intention of proceeding, and consequently the privilege of interfering with the practice of *physicians not of their body*, which they had been accustomed to claim, whilst they have been forced to relinquish 'it in the case of *surgeons, apothecaries, and general practitioners*. Such intention, however, they deny. The delay, they say, has arisen from their inability to procure the evidence of Dr. Harrison's *written prescriptions* that he had practised, as if no other species of evidence were sufficient, and as if it had not been incumbent upon them to have well considered these obstacles before they had issued their threats. They had now recourse to the extraordinary, and probably unprecedented, measure of requesting their opponent to be pleased to furnish them with the means of convicting himself, by avowing practice, supposing him to have, by that act, committed an offence. Let us have, say they, bundles of your prescriptions, and then we shall see whether we have a title by which we can legally prosecute you. This is, truly, one of the most modest and decorous propositions we remember to have any where met with. But, say they, if you do not, whilst you deny our right to inquire, grant us these proofs of practice, we shall affirm that it is your fault that we do not proceed to bring the questions at issue into Court.

Now, besides that this course, of a supposed culprit being required to criminate himself, is directly contrary to the established rules of jurisprudence in this country, it would be, in this case, altogether unnecessary to the object in view; since it would be competent to the College, if they legally possessed the privileges to which they pretend, to procure other proofs in abundance; and if they do not possess them, no proofs can avail. Where, we would ask, do they find the doctrine, that evidence of practice consists in *written prescriptions only*? Might they not, if they intended, *bona fide*, to try the question, cite apothecaries, druggists, nurses, patients, or the friends of patients, to prove a practice, which is sufficiently

extensive to have necessarily a multiplicity of witnesses ? This is what they would assuredly do, if they did not know that they could not proceed one step in a court of justice for want of a title. But knowing this, they act discreetly, perhaps, in the common acceptance of the term, in evading that course ; although they would assuredly act more honourably, and, in the end, more wisely, were they to proceed directly with the action, with a view of ascertaining whether they do or do not legally possess the title and the privileges which they claim. This might be done in the first instance, without any reference to proofs of practice ; and if they succeeded in establishing the validity of their title and privileges, they could continue to exercise, as heretofore, the authority which they claim over the profession at large, even if they failed, for want of evidence, in the particular case of Dr. Harrison ; whilst, in their present questionable state of existence, they must be aware, that to exact fees for licenses would be to levy money under false pretences. Indeed, all the sums which have been already received for licenses, in virtue of illegal by-laws, would, in reason, come under the same description. To pay money under conditions, expressed or implied, which it is not practicable to fulfil, is submitting to a gross and palpable fraud : and to expect protection, as licentiates, for their smaller share of the monopoly, from fellows who are unable to protect their own larger share, is an egregious absurdity. Yet so bewildered are the licentiates, by the habit of looking with deference to the assumed powers of the College, and of expecting protection at their hands, that they still seem insensible to the degradation and folly of submitting to fraud and delusion, and to the wisdom and propriety of uniting heart and hand with the independent physicians, for the recovery of their common rights, and the demolition of the College usurpations and pretensions. They may think it more prudent, perhaps, to wait until the independents have subdued the College, or the College the independents, and then to join the stronger party ; but it is certainly much less honourable. And if, by their junction, they can make that party the strongest, or accelerate its success, which has obviously truth, justice, and utility on its side, with what decency can they hesitate one moment respecting their proceedings ? But we can tell them, not meaning to flatter or cajole them into a discharge of their duty, that it signifies little, excepting to themselves, which party they join. The battle is already won ; and those who do not join until after the issue of the conflict ceases to be doubtful, may indeed boast of being in at the death ; but they will have none of the merit of having contributed to the victory.

From the great unnecessary delay which has taken place in commencing the threatened prosecution, and the frivolous reasons employed to palliate it, the inevitable inference is, that the College of Physicians, no matter whether for want of proof or for want of

title, feel that they cannot proceed against Dr. Harrison without incurring the imminent risk, or rather the absolute certainty, of being formally pronounced to have forfeited all the privileges which they have been so long in the habit of claiming; that, if they cannot proceed against Dr. Harrison, they cannot proceed against any other independent physician, for practising in defiance of their authority; that, in such case, their pretensions may, in every instance, be successfully resisted; and that they are, in effect, no longer a body possessing any power of control. The issue of this contest, in whatever way they may act, or evade acting, must prove conclusive of their fate. Seeing that six months were allowed to elapse, including the whole of the Michaelmas term, without any attempt to carry the threatened prosecution into effect, the public, we repeat, were perfectly justifiable in inferring that the College had abandoned their intention of legally proceeding in this case; and the rumour generally circulated to that effect, whatever may now be asserted to the contrary by the College, may be considered as well founded, and to be refuted on their part only by deeds. They have, in the mean time, thought it expedient to publish a formal contradiction of this rumour, which appeared on the 5th of December (1827,) in some of the Journals, in the following not very unequivocal terms: 'The President and Censors of the Royal College of Physicians, [in the very title there are two misnomers,] in consequence of false reports which have appeared in various publications, owe it to the College and themselves to make the following declaration. They are fully sensible of the duty devolved upon them by their charter, confirmed by act of parliament; nor will they ever abandon any prosecution entered into against persons illegally practising, whenever the evidence of such irregular practice is clear enough, in the opinion of their legal advisers, to render an appeal to a court of justice expedient.'

This is obviously mere sophistry, if not a bare-faced attempt to deceive. They have *not* entered into, they have only threatened to enter into a prosecution against Dr. Harrison; and although they cannot abandon *what they have not commenced*, they may and must abandon the *intention of commencing* what they must now be convinced would accelerate their downfall. In other words, their legal advisers, in tenderness to their own reputations, will not suffer them to run headlong into peril. Aware that their clients have long forfeited their right and title, derived from the charter and act of Henry VIII., no quantity of evidence of practice can be sufficient to render an appeal to a court of justice, in their opinion, expedient. But, after all, as the alternative is only between Scylla and Charybdis, it is not impossible that the College, with or without the consent of their legal advisers, may, as a *pis-aller*, a forlorn-hope, determine to plunge into a prosecution, upon the mere chance of floating a little longer on the billows of the law, rather than be engulfed ingloriously and without a struggle. This spirited con-

duct would meet with general approbation. The determination of the sailor, who fell overboard in a storm, when his ship was going at the rate of ten knots an hour, and, seeing her move so fast from him that there was not the smallest chance of his being saved, quitted, whilst yet in the sight of his messmates, the buoy which had been thrown to him, and plunged headlong into the ocean, was witnessed with decided applause. It will be seen whether the College are as well prepared to meet their dissolution bravely and decently, or whether they will put off as long as possible the evil hour, even when no hope of ultimate safety remains. Another term will put this matter out of doubt.

The case of Dr. Harrison is decidedly the first occasion on which the privileges of the London College of Physicians have been resisted upon proper grounds. It is surprising that their true foundations should have been so long unperceived. It is surprising that, even after the scrutiny which it has recently undergone, the charter of Henry VIII., so plain and obvious in its meaning, should be still so variously interpreted. It never did confer upon the College of Physicians the power of examining doctors of medicine, of making fellows, of making licentiates, of limiting the number of physicians, of establishing a monopoly in favour of the graduates of Oxford and Cambridge, or of enacting illegal and unwholesome by-laws. Their right of prosecuting for fines, even if the privileges actually conferred by the charter now remained to them, could only extend to the *practicantes* or *admissi*, and by no means to doctors of medicine, who, *as such*, were, by the very terms of the charter of the College, a corporation of course. Their power of fining, in such case, would not, therefore, extend to Dr. Harrison, or any other medical graduate. This point, however, seems to be still but imperfectly understood. But that is the less material, since, whatever privileges they did possess by the charter of Henry VIII. have been long ago forfeited, and they are now in law an absolute non-entity. They are neither in fact nor in name 'The President and College or Commonalty' of Henry VIII.; for where is their commonalty to be found? They have none. They are, both in fact and in name, quite a different thing. They are now, and have for a long time, been 'The President and Fellows of the Royal College of Physicians in London,'—a title self-conferred, under which they can neither sue nor be sued on the authority of the charter and act of Henry VIII. That is, they have no power, as at present constituted and framed, to prosecute any one. But, could they abandon the constitution and the title which they have assumed, and return to those of Henry VIII., which they had abandoned, they would not, by that charter and statute, prosecute doctors of medicine for a fine on account of practice, since all doctors of medicine, *omnes homines ejusdem facultatis*, if any reliance is to be placed upon language, were, *as such*, (*ex debito*), members of the College or

Commonalty, and without being bound to submit to any collegiate examination. This we hold to be correct, notwithstanding any decision of a different or opposite nature, or any *dictum* of a judge, that may have been pronounced upon any former occasion ; since the language of the charter and act of parliament is so clear and explicit, that it does not admit of more than one construction, or of being mystified by the utmost ingenuity of legal subtlety. There is no ground, then, it is clear, upon which the College can proceed in their threatened suit against Dr. Harrison, without the certainty of failing, and being utterly annihilated as a corporation. And as the College can scarcely be presumed to be ignorant of all this, or to desire such a result, the natural inference is, that, whatever demonstrations they may deem it expedient now to make, they can only have procrastination, not a trial, in view. They are not chivalrous enough to risk their privileges upon a single battle. The most effectual mode of averting the mischiefs of the delay which we presume to be contemplated, would be by a prompt and extensive union of physicians, who have never been entangled in the meshes of the College monopoly, and of those who desire to disengage themselves from its disgraceful trammels. But the latter must take a decided part. The following intended petition to Parliament, it is apprehended, may serve them as a common rallying point ; and no physician, it is presumed, who clearly comprehends the principles of the proceedings, or is not under some strong extraneous influence, will be so fastidious as to refuse it his signature on account of trivial or fanciful objections. It is also a matter which interests the public at large, even more strongly than the branches of the medical profession.

The Physicians' intended Petition to the Legislature.

It has been determined that a petition shall be presented to Parliament early in the ensuing Session, on the part of the Doctors of Medicine of the United Kingdom, Graduates of the Scotch, and other Universities, with a view of engaging the Legislature to emancipate the profession from the shackles which have for centuries been so illegally and unjustly imposed on it by the arrogated professional monopoly of the College of Physicians in London ; of which petition the following is an outline :

- ' 1. It is essential to the national welfare that his Majesty's subjects be supplied with medical attendance, of excellence commensurate with the improved state of science, and avouched by competent testimonials.
- ' 2. To effect these objects, it is necessary that the profession of physic be so organized as to ensure adequate qualifications on the part of practitioners, and afterwards to secure, to individuals so qualified, full power to exercise their talents in the way most conducive to the public good and to their own interests.

‘ 3. On this account, it is incumbent on the Legislature to establish, by law, such an arrangement of the profession, in its several branches, as shall ensure that all who profess the practice of the art, possess the necessary qualifications.

‘ 4. The supply of medical aid being left free to accommodate itself to the demand, the welfare of the profession requires that its different branches be protected, both from unqualified intrusion and from unnecessary restrictions.

‘ 5. To enable your Honourable House to judge of the alterations required for this profession, it appears necessary to inquire into the nature of the divisions of its different branches, the relative proportion of their numbers to each other, and to the population, in this, as compared with other nations, as well as the causes and effects of these divisions and proportions respectively.

‘ 6. That a feeling very generally prevails that serious grievances do exist in the medical profession, is placed in evidence by the following facts, either officially before your Honourable House, or otherwise notorious: Last year it was resolved by the Surgeon-Apothecaries, or general practitioners, that a petition be presented to Parliament, praying for an inquiry into the existing state of medicine and surgery, so far as regards the general practitioner, &c. It was, about the same period, resolved, by the members of the Surgical profession, that a petition be presented to the House of Commons, for a Committee to inquire into the abuses of the College of Surgeons, &c.; and your petitioners now humbly state their grounds for respectfully soliciting a revision of all the laws which regard the several branches of the profession, particularly the Physicians’ department, and also the laws by which the College of Physicians of London are, or profess to be, governed.

‘ 7. Your petitioners presume the more earnestly to solicit the attention of your Honourable House to those circumstances, from having observed the hazard of legislating for any single department of a collective profession, without special reference to the interests of all its branches, as well as of the community at large. As an instance in point, they might mention the unsuitable powers unwarily granted to the Society of Apothecaries by the Act of 1815.

‘ 8. Your petitioners now come to their more immediate object, of submitting to your Honourable House a general view of the grievances under which the profession and the public labour, as connected with the organization of their own department, which abounds in evils urgently calling for legislative remedy.

‘ 9. Upwards of three centuries ago, the Physicians of London were constituted a Corporation, or College, (*unum Corpus et Communitas perpetua, sive Collegium perpetuum,*) principally for the purposes of “restraining and suppressing illiterate, unexperienced,

and unlicensed practisers ;” to which association were granted all the usual rights and privileges which royal charters confer.

‘ 10. It would be well if the spirit, or even the letter, of this charter, had been regarded by those who administered its powers ; but, unhappily, the course of proceeding adopted by this body, from its earliest formation, has set at naught the laws under which they were to be governed ; and, by arbitrary and illegal by-laws, they have superseded the authority of the statutes, introducing practices to which these statutes afford no sanction,—excluding a large portion of the profession from rights to which the charter and statutes give them claim,—creating distinctions utterly at variance with all that the law enjoins,—and so limiting the College, as, without any legal authority whatever, to exclude from its pale all who do not derive their qualifications from the medical degree of Oxford or Cambridge.

‘ 11. Were this power even conferred by statute, it would, at the present day, be an oppression as absurd as it is unjust ; for, in the course of events, other medical schools in Britain have risen to an eminence far surpassing what Oxford or Cambridge could ever boast of ; and the law, if it existed, would present the solecism of conferring the highest medical honours upon those who least deserved them ; nay, of wholly limiting them to this favoured few ; all other Physicians, however eminent or capable, being absolutely excluded.

‘ 12. These regulations operate with peculiar severity and injustice on Physicians of the Catholic and Dissenting persuasions, who are, under all circumstances, excluded from the fellowship.

‘ 13. The law, however, gives no such power ; for your petitioners seek in vain, either in the charter or statutes, for any grounds on which the proceedings pursued by this College can be justified.

‘ 14. So entirely has the reputed College of Physicians departed from the legal authorities from which it springs, that the whole discipline of the College, and even its very denomination, differ essentially from what the law has directed ; so that were the present College required to prove its identity with that of Henry VIII., your petitioners are persuaded they would be unable to establish the fact.

‘ 15. In the whole course of proceeding, followed by this College, your petitioners can discern no motive having for its object the public good, or the advantage of the profession ; its unvarying tendency being, to establish within the profession an odious monopoly,—giving rank exclusively to those who can show no claim to professional superiority ; attempting to make the largest portion of British Physicians outcasts and aliens in their own country, and, by the influence of these signal abuses, degrading the whole profession,

and exposing it to the encroachments which the subordinate departments have so successfully made on it.

‘ 16. Of these encroachments, however glaring, your petitioners mean not to complain, nor do they seek protection from them in any exclusive rights or privileges.

‘ 17. Your petitioners, however, do seek relief from the unjust and illegal restrictions imposed on them by the College of Physicians, so as to enable them to enter into professional competition with an equal chance of maintaining their own title to public approval.

‘ 18. The abuses which, for the advantage, real or imaginary, of a very few individuals, have thus existed, for centuries, in the higher branch of this profession, appear now to have approached the highest degree of which they are susceptible ; preventing the public from having a free choice of their Physicians ; greatly augmenting the expenses incidental to sickness ; preventing Physicians, with the exception of the favoured few, from aspiring, with any chance of success, to offices of dignity or emolument ; impeding the progress of science, and infringing upon the rights of the Universities.

‘ 19. The grounds of all the foregoing assertions your petitioners are prepared to prove ; and they trust that, in what they have averred, a sufficient apology is furnished for the present appeal, and a sufficient cause shown why your Honourable House should take this most important and long-neglected subject under your early and mature consideration.

‘ 20. What precise reforms of the profession may be called for, your petitioners presume not now to mention ; they merely submit, most respectfully, to your Honourable House, that great amendment is needed in every part of the British dominions. They solicit only inquiry into the defects and abuses of which they complain, and they rely with confidence on your Honourable House for granting them, as the result of that inquiry, such relief as your Honourable House, in its wisdom, may deem meet.

‘ 21. Your petitioners venture only to suggest, that a Parliamentary Committee of Inquiry would, in their opinion, be the most effectual means of eliciting and verifying the necessary information ; and they respectfully submit that the importance of the subject, whether as it regards the welfare of the public, or the interests of a useful and much-aggrieved profession, fully entitles it to the grave examination which they solicit. And your petitioners,’ &c.

‘ All Physicians, whether in town or country, who may approve the principles here set forth, and desire to contribute their efforts towards obtaining the objects sought, are requested to communicate their sentiments, without delay, to the Faculty of Physic in London, (post free,) to the care of Messrs. T. and G. Underwood, 32, Fleet Street ;

Messrs. Callow and Wilson, Prince's Street, Soho; or, Messrs. Burgess and Hill, Great Windmill Street, Piccadilly. And it is further most earnestly requested, that they take an early opportunity of making the Members of Parliament, Magistrates, and other influential persons in their respective neighbourhoods, acquainted with the real bearings of the important questions at issue, which have recently undergone such full and able discussion in the Medical and other Journals of the Metropolis, as to have been rendered perspicuous to all who have had an opportunity of attending sufficiently to the subject. For the convenience of those who may wish to suggest improvements, the paragraphs of the proposed petition are numbered.'

Owing to the very great importance of the subject, we shall consider it our duty to watch and to record the progress of the pending reform in the organization of the medical profession, which, we are happy to think, cannot now be arrested by the utmost efforts of malevolence, corruption, or intrigue. Nothing, we think, can materially injure the cause, but crude or precipitate legislation.

DESPOTISM.

A HORRID vision walk'd the earth,
 A monstrous and unseemly sight ;—
 Men knew not whence he had his birth,
 But from his eye Hell's lurid light
 With wild, portentous lustre gleam'd ;—
 Where'er he strode, the hearts of all
 At his unearthly presence seem'd
 'Neath slavish Fear's strong power to fall.
 Though the fair climes through which he went
 Rejoiced beneath a beaming sky,
 The beauty of their hues was blent,
 'Neath that stern vision's withering eye,
 With the foul features, black as night,
 That mark'd his own polluted form ;—
 As scenes most beautiful and bright
 Are sadden'd by the passing storm.
 The hearts of men within them sunk,
 A craven's tremor shook the brave,—
 As from his blasting glance they shrunk,
 Each lofty impulse found its grave,—
 For in his fierce and threatening brow
 They saw the prowess of a god ;
 So did they in their blindness bow
 And crouch beneath his iron rod.

He knew their weakness was his strength,—
 Then death and thralldom track'd his path ;
 And in his train appear'd at length
 His ghastly ministers of wrath :
 The murmurs of the crowd were hush'd—
 They fear'd his dark, blood-loving lust ;
 Their feelings and their frames were crush'd—
 Alike they grovell'd in the dust.

The vision, waxing hugely great,
 Was overgorged and overgrown ;
 With the unholy spoils of state
 Was deck'd his dark, polluted throne ;—
 The sorrowing nations' blood and tears
 Had swoln his gorgeous pomp and pride ;
 While scoff'd he at their idle fears,
 Yet deem'd his power should aye abide.

Yet men at length began to scan,
 With steadfast and untroubled gaze,
 His shadowy features, wild and wan,
 Which erst with horrible amaze
 Had sear'd their senses and their sight ;—
 They felt 'twas not their treacherous dread,
 And not the phantasm's airy might
 That had their sires to bondage led.

The strong subduing glance of man
 Resolved to burst the festering chain,
 Divinely awful—could not scan
 The evil shape, and still retain
 Their spirits in his slavish sway ;
 'Twas moral darkness gave him dread—
 The dawn of intellectual day
 Abash'd him quite—he shriek'd, and fled.

They hunted him from shore to shore :
 He wandered like a thing accurst ;
 The terrors of his reign were o'er,
 Yet were not quite the fetters burst
 With which his guile the nations scourged ;
 His waning form shows grimly still—
 Till Truth triumphant shall have purged
 The seeds of error and of ill.

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LETTERS FROM THE EAST.

[The following Account of Penang, contained in a Letter from a Visitor to that Settlement, has been placed in our hands for publication, by the Gentleman to whom it was addressed, and contains much that will be no doubt new to many of our Indian readers.]

Pulo Penang, July 30.

You will, perhaps, be surprised at finding me here ; but you must know that Prince of Wales' Island is the Eastern Montpelier, to which all unfortunate Bengalees are regularly sent by Dr. Calomel, unless his remedies should render a much shorter journey necessary ; I am not here, however, on account of any serious bodily ailment. I have resolutely set the doctor and his imps at defiance, and shall continue to do so as long as I preserve my senses. However, having been almost idle at Calcutta, enjoying a fine dry temperature of about 98° to 107° for two months, and finding the rain coming in good earnest with their usual train of fevers, &c., I thought it would be wise to take the opportunity of escaping from the paradise of frogs and alligators, and gratify my curiosity in seeing the Eastern Islands.

To enable you to travel with me over this far-famed island, you must borrow 'Daniel's Engravings, after Views by Smith,' and, deducting for the perspective and colouring, (no painter's colouring can do any thing like justice to the vivid hues of tropical scenery,) you will have a very fair delineation of some of the most remarkable views in the island. Ascend the Government Hill, and look towards the Malay shore, you will see a country which, to my eyes, resembles Italy, full of the most beautiful mountain scenery, and covered with the most magnificent forests, but which has never been trod by any European, perhaps by any human foot. Strange, that a country known to abound with the richest mineral treasures, which even now are scratched up by the savage inhabitants, should not have tempted European cupidity, or have been explored by the ardent votaries of science, who abound in our regions in this 19th century. It is to be accounted for by a word which is a clue to a great many Indian phenomena—*Monopoly* ! the millstone about the neck of the vast population of this immense and beautiful country. But I have no time for such a subject at present,—I must return from the Queda shore to my island. Penang is certainly the head-quarters of Flora : I am perfectly delighted with the variety of beautiful plants I have seen. Oh, for the opportunities I have neglected ! What would I now give for a knowledge of botany ! On this subject I can get no information from the inhabitants. I have now before me the most lovely fern I ever saw ; I wish I could send it, but its colours are already gone ; before it was gathered they changed like an opal ; and there

are many others almost as elegant. The pine-apple is here a weed; the roads are full of them; and they are bought in the market at a dollar per hundred, each four or five pounds weight. The celebrated mango tree is also abundant here; it is a fruit in which I have been much disappointed, as one generally is with every thing which has been *puffed*. The doorian is another remarkable highly prized fruit, which has so peculiar an odour, that it is at first hardly approachable by strangers. Its rind exhales a perfume analogous to some compound of putrid meat and asafœtida. Amateurs, however, who have conquered their prejudices, extol it highly. Even his Burmese Majesty sends annually to Siam for it, as it does not grow in his dominions.

In spite of the doctors, who denounce death against all who penetrate the jungles, I have spent a whole week in rambling about the island and opposite shore,—penetrating them in various directions, and have seen a waterfall, which is yet unknown to fame. I have been hunting the leaf insect and the flying wizard, and examining the many curious trees; amongst which are the gamboge, the bread-fruit, the palm which produces the horse-hair-like ropes, well known for their strength, the Indian-rubber, creeper, &c. &c. But I shall not trouble you with a mere catalogue; and if I were to describe a hundredth part of the objects of nature, I should not soon finish, and must, therefore, stop at the great tree, of which Smith's drawing gives but a poor idea. It is a most magnificent object. The chestnut on Mount Etna is much more bulky, but the height of this is quite unrivalled; the lowest branch sent off from the trunk is 120 feet from the base, and from it hangs a gigantic creeper,—a good sized tree itself; but what is most remarkable, it is of modern growth, and represented by some of the Natives to have been of a moderate size in their own memory. This may give you some notion of the rapidity of vegetation in these climates. This remarkable tree stands a little way up one of the hills, and though most of the trees in its immediate neighbourhood are by no means of small dimensions, it appears to stand like a tremendous giant amongst dwarfs. The figure of it, regarded in any direction, is extremely picturesque and beautiful. It has a straight perpendicular stem rising boldly from the ground, and its branches, at a tremendous height, are distributed with great splendour. This gigantic but beautiful form is relieved by the dense foliage beneath it, and by the opposite mountain, which stands to the left of some exceedingly variegated scenery, composed of sea, islands, distant valleys, and blue hills, that, by the light of four o'clock in a July morning, were perfectly enchanting. On steps, which are made up the hill from a short distance below the base of this tree, from a spot horizontal with about two-thirds of its height, whence it is seen to the best advantage, is the rich landscape I allude to. Inquirers would naturally wish to know something of the species to which this tree

belongs. I can only answer, that the great Dr. Wallich, the celebrated botanist, did not ascertain this point. The leaf is small and ovate, and of a light green tint. I measured the tree round its base with a tape, and found its circumference to be thirty-four feet. Upon being wounded through the bark, which is rather rough at the base, a white milky fluid exudes, which, upon exposure to the air, concocts to a white resinous substance, resembling ammoniacum. The fluid tasted rather sweet, and afterwards left a bitterish flavour in the mouth ; it formed a milky solution in rain water.

Smith has a view of Suffolk House, the Governor's residence, which gives you an idea of a mansion far more splendid than the place is found to be ; but does no justice to the splendour of the hill and dale scenery about the grounds of this fairy land. So easy is it to improve the appearance of a work of art ; so very difficult to attain to a distant resemblance of nature.

The view of Gluga House is sufficiently correct. This was the residence of the late excellent Mr. Brown, the original proprietor of the spice plantations on this island, which are now remarkable as the only things of the kind in British possession, since Bencoolen has been given up to the Dutch. The groves of nutmeg-trees are uncommonly beautiful, and it is certainly interesting to walk through them. The cloves appear to thrive best on the mountains, where the thermometer seldom exceeds 74°. Equal temperature and constant moisture are, it would seem, what they require. Coffee is likewise cultivated, and, it is said, with much success on the hills of this lovely island ; and on the estate of Gluga it seems to be an object of experiment. It is a matter of doubt, however, how far the cultivation of coffee and of spices may be found to answer here, as a matter of commercial speculation ; one of the most clear-headed and intelligent of the merchants here said, that speculations in plantations were '*wild and unprofitable.*' They have hitherto never succeeded, notwithstanding all the flowery predictions of Mr. Canning as to the value of our possessions in these Straits, as sources of wealth from the cultivation of spices. The truth is, that to thrive well, these articles require certain peculiar circumstances of soil and climate ; besides which, labour is too expensive here. Besides the high price of labour, another cause for the ill success of spice cultivation is, the insecurity of property on this island : there are about two thousand professed thieves, independent of the Hindoo and other convicts here, and the cloves and nutmegs are not very safe in their neighbourhood. Pepper, which requires less attention, succeeds better : the pepper vine is a pretty creeper, and if the plant were not supported by living trees, a plantation of it would resemble a hop-garden ; but even this article is produced at a far cheaper rate on the west coast of Sumatra. Property is in a very depreciated state in this island ; houses and lands may be estimated at two-thirds less than their value ten or twelve years ago. Several estates have been

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sold of late for a few thousand dollars, upon which planters had expended lacs ; so that, in fact, there is no great inducement for Europeans to settle in this island as planters. Romantic and beautiful as it is, I fear I cannot call it healthy, as the European population are continually suffering. Women are said to die here in an undue proportion, as men in Bengal ; so that this is as good a place to get rid of wives as that of husbands. However, in the East, it is sometimes a moot point whether the climate or the doctor are most to blame. At Singapore, I hear there have been actually no deaths among those who may be regarded as the European residents of the place ; the only doctor there having no patients, save occasional visitors, who come from the calomel shores of some less fortunate part of the East. It is said that, in Bengal, if a man fall from his horse, the surgeon's first course is to give him fifty grains of calomel. In Singapore, the constitution never requires such remedies, for the accident cannot occur, there being, I hear, no horses on the island ; the diminutive though beautiful Java pony being a substitute for that noble animal. For the most part, the use of ponies is common, too, at Penang, though horses are now and then to be seen among the military here.

Let us look at the view of the far-famed waterfall : artists can give by their best works no adequate idea of the effects of a tropical atmosphere upon beautiful scenery ; and this attempt of Smith's, though a pleasing drawing, conveys a very faint idea of the place. The waterfall does not communicate to the mind any impression of the grand and sublime ; it flows from a great height certainly, but it is very narrow, and in some places pours its water in ribbons. It flows either upon very coarse granite of the red kind, or upon red sand-stone rock, masses of which are so arranged as to form a very beautiful variety in the scenery, which is wooded around to a tremendous height. The trees are of various kinds, and some of them very picturesque : there is a boldness of stature about some of them, a length of perpendicular line, and a gracefulness of foliage at top, which compares well with the variety of the thicker set and branching trees, that shoot forth from the side of the hill. The tints of green are very varied, and the lines of growth are enriched by the bold tortuousness of different kinds of hill creepers, which either traverse the rocks or entwine the wood in beautiful arrangements : many of the standards have parasite plants growing upon them, high up, and the contrast afforded by the large *dock-like* leaves, and deeper colour of these, are very striking.

A leaf-built shed, with a bench, has been placed in a convenient situation opposite to this waterfall, and steps are constructed from the bottom of the hill to this spot ; an hospitable arrangement, which facilitates the approach of strangers anxious to view this curious and beautiful phenomenon.

Hospitality and kindness have distinguished not only the society

of Penang, but its government, for many years. The convalescent bungalow is a small but convenient and beautifully situated house on a hill; the atmosphere of which, together with its scenery, must be highly exhilarating to the invalids, who come down from the other presidencies of India, to obtain relief from their sufferings from the mildness of mountain temperature in these regions. It belongs to the Government, and is by their indulgence generally occupied by invalid strangers.

Bungalo is a name for a slighter, less lofty, and more temporary erection, than that known as a house; generally, they are hastily run up, are confined to a ground floor, and are constructed of wood and leaves; but, like the English generic term cottage, the word bungalow is often applied to houses of a more prominent structure. The Penang houses are for the most part very commodiously built, and are pretty well suited to a climate in which people may, for the greater portion of the year, sit out in the open air. They are surrounded with verandahs, which vary in depth from twenty to twenty-five feet, the roofs of which slant a good deal, and extend two or three feet beyond the perpendiculars supporting them; thus throwing off the rain, and in the sunny season affording a pleasant screen from the glare. In some houses an arrangement obtains, which the inhabitants of other parts of the East would do well to copy, since it secures shade as well as a current of air: a light Chinese rail surrounds the edge of the platform of the verandah, and eighteen inches beyond this railing, hang either Venetian, or the elegant Chinese, or chick blinds.

Many of the houses are built of wood, but the best are of stone and brick. Granite is abundant on the island, of a coarse kind and grey colour; it is occasionally used for flights of steps, but, probably, the great expense of working forbids its too common use. There are occasional complaints that the granite is of a decomposing kind. The interior of a European's house is very commodious, and the furniture made either in Calcutta, or by excellent Chinese carpenters on the spot, is of a very superior description. A West India captain coming to this island in command of a small vessel, sat in one of the large rooms, wondering for some time at the sight of a large frame, covered with painted canvass, about eighteen feet in length, which he saw elegantly suspended in the middle of the apartment. Questions, he judged, might be impertinent; at the dinner hour, however, his curiosity was agreeably relieved by the appearance of a cleanly dressed Malay, with a handkerchief curiously tied on his head, who, hooking a cord into the middle of the punkah, reeved it through a pulley in the wall opposite, and taking his station in the corner, caused the great fan to wave backwards and forwards, producing delightful currents of air in the room. The European inhabitants of Penang live for the most part at their country houses. Indeed, those who are said to live in town, have residences

detached, with gardens about them, and withal rural, so that, in fact, they have most of the advantages of the country. The town proper being the capital at Prince of Wales's island, is called George's Town, and consists of one long street on the shore of the harbour, called Bee-street, with a few others branching off to the detached houses. In this part are the godowns or warehouses of the merchants, and some of the Government offices, besides the shops of the Native and other tradespeople. George Town cannot be healthy, situated in the latitude of about $5^{\circ} 30'$. It is built in a swampy spot, and surrounded so completely by thick groves of cocoa trees, backed by lofty hills, that few refreshing breezes can reach it.

Not the least interesting objects of curiosity to a European is the number of Chinese, who are the principal tradesmen and mechanics, and who here pursue their national customs, unimpaired by their contact with their motley neighbours. They form an extraordinary contrast of energy and industry to the idle Malays and Hindoos. They are never idle, rarely vicious, and pursue pleasure with all the avidity of Europeans. On our visit to the waterfall, a large party of them, with their wives and children, were observed seated on the grass; they were dining like so many cockneys at Richmond. The shops of the Chinamen in the town contain but a miserable assortment of coarse articles. Of all nations, the Chinese are, perhaps, the least devoted to feelings of religion, and the least attentive to its outward ceremonies, yet, in a back apartment of each of the shops, is almost invariably seen a large daub of their divinity, Joss,—before which is a table supporting a tall lighted lamp. In their manners, these Chinese tradesmen are most provokingly independent, and often annoy the authorities by the display of this un-Asiatic quality. None of the salaams of India from them; they are not even civil for your custom; and if asked why, would reply, in their own English,—‘What for bow? You no want—you no come.’ They are certainly philosophers, though complained of by us for their apathy and indifference to every thing but their own interest. Why, indeed, should they come for us? They have no permanent stake in the countries to which they emigrate. They are in some places under peculiar restrictions; in others ill-treated; and in none have they any share in the government under which they live; they, therefore, come as adventurers, and return to China whenever they have acquired a competence. In Europe, they are underrated. In every mechanical art the Chinese display a superiority over all Asiatics, and over many European nations; and they do every thing with so much neatness, perseverance, and order, and in conversation they remark and reason so shrewdly, that their intellectual faculties are certainly of a higher class than that for which they obtain credit; they have many high qualities of mind, which, under beneficial systems of education, might procure for them a very exalted rank among civilized communities.

When I say that the contrast between these people and the Malays and Hindoos is striking, I have no wish to depreciate the intellectual character of those tribes. The Malay is a shrewd and active-minded being, and it is only under the influence of those deteriorating circumstances, which, by the avarice and love of irresponsible power of a monopolizing Company, are allowed to bear down upon him, that his habits are developed into sloth and idleness; that the half-tamed, active, and savage pirate is transformed into a lazy smoker of narcotic herbs and extracts. The Malay never enjoyed the advantages of civilization in any degree, until he was reduced, through fear, the worst of motives, to become the servant of the European; and time must be allowed him to exhibit the kindly capabilities of his nature, and the useful powers with which he is endowed. That variety of the human species to which he belongs had, before their intercourse with Europeans, advanced in their political institutions, and in their social manners, to a stage analogous to that described by Tacitus as belonging to the German nations. Their barbarous customs were very similar to those displayed by our own ancestors; and it ought to be our duty, in ameliorating their condition, not to crush too hastily the institutions to which many noble qualities of disposition are indebted. The Malay character must undergo a great modification from the tribes of emigrants which have beset his territory. The Chinese and the European settlers are begetting a mixed race, which, in the present days of benevolence and philanthropy, ought to meet with attention in regard to education. Of the Chinese mixed breed, I know nothing; he may be a cooly, or he may turn out a good member of society, by becoming some handicraft; but the illegitimate of a European, unless his father remove him early to obtain the advantages of a good education, will learn to acquire mistaken feelings of pride, which ruin him for the formation of the gentleman. There are individuals among them who have been blessed in Europe with good training, who now exhibit, by their manners, those high-toned feelings, which are the best prerogative of civilized man; and who evince, by their pursuit, the possession of intellects and tastes that would reflect honour upon persons of any clime or quarter of the world. You have heard in England much of the mixed race between the European and Hindoo. They are not to be confounded with the beings I have just alluded to.

As the Malay and Chinaman differ from each other in a great variety of respects; as the one has been submitted to one kind and set of institutions, from which his character has been formed;—the other has been the slave of a perfectly different school, from the circumstances of which his habitudes have been built up. The organization of each, too, is peculiar to himself and to his tribe; and so it is with each variety of the human species in the East, as in all other parts of the world. The child of a European by a China woman is an animal of a different breed from that produced by the conjunction of European and Malay; and the mixed breed

between European and Hindoo is again a *tentimus quid* of very different properties in either of the other creatures; but he does not come to be considered in the island of Penang. Hindoo is a word which embraces a vast number of varieties of the man animal; and few who have not, like Bishop Heber, traversed the continent of India with eyes of minute observation, are competent to describe them, or the changes which are produced in their progeny by a mixture of widely different breeds. Here, in Penang, may occasionally be observed individuals from various parts of Hindoostan, and each offering peculiarities strikingly illustrative of these remarks. The Choolia, a native of one part of the Coromandel coast, is the Hindoo most ordinarily met with here. He is a stout, strong, squat, muscular fellow, lively and active; but his energies fall short of the Chinaman's. He is, again, quite a different animal from the Lahore man, or the Rajpoot, from the northern and western extremities of the British empire in India—a tall athletic man of a beautifully handsome symmetry, broad-chested, erect, and of a proud and intelligent physiognomy.

These are again widely different from the Natives of the alluvial soil of Bengal, and especially near Calcutta; who, in the general drawings of their figure, their beautiful limbs, delicate joints, smooth skins, effeminate countenances and expression of feature, in their actions of walking, stepping, taking hold of any thing, pulling, in short, in all they do, are so very analogous to women, that they are men only from sex: while Nature seems, in the female figures of the same tribes, to have observed the same general rules in placing them in a more delicate situation; to have made, as it were, in their case, a descent in her general plan. They are like beautiful female children of a developed form,—I mean in what respects anatomy of outline and expression. There is nothing seen in England like this female. Nature has given her a symmetry which is the perfection of beauty, lovely proportions, with the most exquisite graces of manner; but she is a specimen only of the female of one part of India. You can easily imagine that her son, by a European father, would, as to physiognomy, be a creature differing widely in his general properties from the son of a Malay woman, whose symmetries were not so perfect, but yet whose intellects are a grade or two higher in the scale of human intelligence.

Not with the curses of Monopoly, and an irresponsible and tyrannical Government, but with the blessings of free intercourse, good education, and a liberal government, the Natives of all these regions are capable of a very high degree of civilization; and, under a proper system, I should have sanguine hopes of ameliorating, by free Colonization, not only the morals of the Eastern world, but of tending, by a free admixture of breeds, to a great improvement in the physical health and beauty of the tribes inhabiting our European regions,—circumstances that would overthrow the philosophy of exclusive systems.

STATE OF ALGIERS.

BY A RECENT VISITOR TO THAT COUNTRY.

Geographical Description—Population—Character of the Inhabitants—Government—History—Military Force—State of the Christian Captives before and since the Expedition of Lord Ermouth.

THE States of Algiers, situated between the kingdom of Tunis and the empire of Morocco, occupy six hundred miles upon the side of the Mediterranean. Their greatest extent, from the capital to Beled-uljereed, or the country of dates, does not exceed one hundred and eighty miles. Some learned men believed they had found, in Algiers, Julia Cæsarea, and others the ancient Icosium. The natives give to this town the name of *Djézair*, or *Al Djézair*, which signifies, in Arabic, *island*, or *the islands*; because following them, to the right of where Algiers is situated, was formerly an island, which was joined to the continent. The Turks and the Moors often call it *Al-Ghasi*, those who fight for the faith; for the Musulmans regard piracy as an act of religion, which they have exercised against us for many centuries. The regency of Algiers forms four provinces, those of Constantina, Algiers, Mascara, and Titeri. Some geographers join to these provinces the countries of Zâb, and those of Barbary, inhabited by tribes who pay a tax when the army of the Dey makes its annual excursion.

The country of Algiers is subject to frequent tremblings of the earth, but the shocks are generally slight. The climate of this part of Africa is in general mild and salubrious; the excessive heats of autumn are softened by the north winds, and the particular diseases of the country are small in number. We agree with some travellers, that the plague is not in the least endemic; it is, above all, to the carelessness and to the fatalism of the inhabitants, that one ought to attribute its ravages.

The territory of the regency is mountainous, and watered by rivers, which greatly contribute to its fertility. It produces wheat, equal and perhaps superior to that of Spain and Portugal, exquisite fruits, a great number of trees, shrubs, and plants, of all descriptions. This extreme fertility is balanced by many causes of destruction, and among others by the ravages of the locusts, who destroy in an instant the crops of a whole district. If we except the camel, so useful in the countries where, as in Africa, you must sometimes traverse burning plains, covered with moving sands, the domestic animals are the same as in Europe. Some parts of the regency are inhabited by ferocious beasts and venomous rep-

tiles, which the want of cultivation and of inhabitants multiply in a frightful manner. The negligence of the Government, and the suspicious character of the Moors, have hindered, until now, the exact population of the Algerine states from being known. Some travellers say it is five millions of inhabitants, at the same time that others agree that it is only half that number. If we ought to believe persons who have been there, this last estimation seems much too small. It must be confessed, however, that it is impossible to say any thing positive with regard to this, in a country where the enumerations and the records which state the births and the deaths are unknown. The Europeans can only establish the number of deaths from the bodies which they see going to the churchyard, and every one must know how liable this method is to errors.

The states of the regency are peopled by Moors, Turks, Barbaresques, Negroes, Jews, and Christians.

The Turks, who inhabit Algiers, are almost all enrolled as soldiers. It is thus that they form a corps separated by interests and affections, always ready to treat the natives shamefully; and the Government places restraints to their alliances with the Moorish women. These precautions, however, are not always sufficient; and although many natives have lost their lives for having given their daughters to the Turks, the passions, excited by the sun of Africa, and the hope of finding in these alliances a support against the Ottoman despotism, sometimes surmounts all these obstacles.

The Negroes are almost all slaves. At the same time that the Barbaresque pirates attack the Christians on the sea, parties sent into the interior surprise the black population, and carry away the inhabitants in slavery.

The number of Jews scattered throughout the regency is very considerable. The town of Algiers, being eight miles in circumference, has a population of from eighty to ninety thousand of these. The troubles to which they are subject would be intolerable to any but the descendants of Abraham. They are prohibited from sitting down before a Mohammedan: they carry the Moors on their shoulders when they disembark into shallow water; they are commissioned to execute the criminals, and to bury their bodies; under the most frivolous pretext, they are condemned to lose their power, or to be hung; they are oppressed with taxes; they pay a general tax of 2000 dollars per week, besides many other contributions. In spite of all these drainings, some Jews find the means of amassing immense riches. The stupid indolence of the Moors renders them unskilful in affairs; all the transactions, even of the least importance, are directed by the Jews, who know how to pay themselves for their pains, and this sort of indemnification enables them to support with patience the oppressions of the Turks and Moors.

With the exception of the ambassadors of the Christian Powers, and the slaves, there are hardly any Christians in Algiers; the vexations to which they must submit, and the defiance of the Government, prevent them from establishing themselves there. The renegados are few in number. Although their condition is less unfortunate than that of the captives, and some of them are at the head of the Government, the general contempt which inspires them, the hatred which the slaves bear towards the religion of their oppressors, and, more than all, the jealousy of the Mohammedans, who sacrifice them even on suspicion, almost always retain in Christianity those who were originally of that faith. Otherwise, the Moors, little worked upon by the spirit of proselytism, do not encourage these sort of changes opposed to their interests; although the captives who renounce their religion are not always made free, yet they enjoy certain privileges which they cannot refuse them from the moment when they embrace Islamism.

Cruelty, perfidy, and a sordid avarice, forms, with a very few exceptions, almost the whole character of the Algerines, and of all the Barbaresques. When a Moor is summoned to pay the poll-tax, nothing is more common than for him to invent a story to exempt himself. The collector, very familiar with these sort of excuses, then applies the bastinado to the refractory person, who often pays to avoid the execution of it. A European being present at one of these scenes, demanded of the sufferer, if he would not rather pay the value than receive these rude stripes without any profit for his pains. 'What!' cried the Moor, 'I pay my tax without having received a beating!'

This singularity, which traces, without doubt, its origin to the attachment of the Moors to their money, also shows the danger of appearing rich under Governments which respect nothing.

The superstitious notions on the malignant influence of sight, (*cattivo occhio*,) and many others besides, probably imported into Europe by the Arabs, are found at present among the Moors.

Hereditary succession to the throne is unknown in Algiers. The Dey of Algiers is taken from among the ranks of the Turkish soldiers, who, under the most trivial pretext, and often in the hope of advancement, assassinate him who is on the throne.

The accession of a new sovereign is generally followed by the displacement and the condemnation of his predecessor. This measure gives to the chief of the regency the means of making room for his favourites, and to gain, by these gifts, the good-will of the soldiery; for in Algiers, as in Turkey, the pain of death for political crimes includes the confiscation of all property. As soon as the new Dey is elevated into power, the Turkish soldiery salute him in these terms: 'Let it be so—we consent—we hope that God may

give him prosperity!" He no sooner becomes absolute master of the regency, than some catastrophe happens to precipitate him from the throne. If his death is a natural one, a thing which happens very rarely, he is accounted a saint. Many of these despots reign only for a very short period, and lose their power in the same way that they acquired it—by assassination. The members of the Divan, and all the public functionaries, are named by the Dey, who is sure to find in them an obedience without limit.

If the least suspicion arises with regard to their servility, they answer it with their heads. To the Dey alone belongs the right of imposing tributes, of declaring war, and of making peace; he is the supreme judge in all civil and criminal causes, and nobody can appeal against his judgments. The exercise of justice is one of his chief occupations; he consecrates to it a part of the day. As he can never decide all the cases himself, he has established two Judges, one for the Turks, and the other for the Moors. These Judges are only acquainted with civil affairs, and it is under them that agents render justice in the villages. When conflicting testimony embarrasses the Judges, the cause terminates by a general bastinado, distributed to the plaintiff, the defendant, the counsel, and the witnesses! Homicide is punished with death in Algiers, and they cut off the right hand of robbers. Independently of the usual fixed presents, which one is obliged to make when they treat with the officers of the Dey, there are other voluntary ones, the amount of which serve to establish the validity of the pretensions of the plaintiff. No one is ever exposed to a refusal in offering presents to an Algerine; they commonly say, 'vinegar given, is better than honey bought.' The secret police of Algiers, the spies, in particular, can equal in slyness and baseness those of more civilized nations.

The title of Dey, which we give to the sovereign of Algiers, is no more in use among the Musulmans. It will be shown hereafter what caused the change of this denomination.

At present he bears the name of Pasha, which answers, in a slight degree, to that of viceroy. At present it never happens that a Pasha has two tails. It was after the unfortunate expedition of the Spaniards against Algiers, in 1784, that the Grand Signor elevated Baba Mahmed to the rank of Pasha, with three tails. The Dey still takes the titles of *Ouali*, governor; *Beglerbeg*, prince of princes; and *Seraskier*, generalissimo. With regard to the word *Dey*, which the Turks pronounce *Dai*, it signifies, in the Turkish language, Maternal Uncle. This is the manner in which the Chevalier d'Arvieux has explained this singular denomination. 'The reason,' says he, 'for their giving this name to the chief of the republic, is, that they regard the Grand Signor as the father, and the republic as the mother of the soldiers, because they nourish

and maintain them; the Dey is the brother of the republic, and, in consequence, a maternal uncle to all who come under that denomination.' This etymology is, perhaps, far better than any other; it reminds us of the anecdote of a learned Spaniard, who said the name of Seneca was derived from *se necans*.

The piratical system of the Barbaresques commenced at the expulsion of the Moors from Spain, about twenty-four years before Barbarossa seized the sovereign power in Algiers. This is the way in which this despot mounted the throne.

The Spaniards having become masters of Oran, and many other places in Africa, and having rendered the town of Algiers tributary to them, Selim Eutemi, an Arabian prince, who then commanded them, afraid of seeing his states invaded, sent ambassadors to Barbarossa, who was cruising with his fleet, to ask his assistance against his less commodious neighbours. Barbarossa having sent fifteen galleys and thirty small vessels under the care of his brother, Khair-Eddin, he himself marched by land, and entered Algiers with a small army of Turks and Moors. Certain of their devotedness, he easily conceived the project of taking possession of the town; and after having assassinated or pursued others, and strangled Selim Eutemi himself whilst he was in the bath, he mounted the throne. Immediately acknowledged sovereign of Algiers, he occupied himself in repairing the fortifications, and replenishing the troops. His cruelty and his exactions rendered him odious to his new subjects, and they conspired against his life. But he baffled all their plots, caused twenty of the principal inhabitants of Algiers to be put to death, and their bodies to be thrown into the streets. The unfortunate efforts of the Spaniards to replace the son of Selim Eutemi upon the throne, the conquest of Tenez, and that of Tremecen, having rendered the name of this pirate very formidable, Charles V. formed a project to attack him. The Marquis of Comarez, governor of Oran, charged with this expedition, marched to Tremecen, at the head of 10,000 Spaniards, and all the Arabs which he could collect. Barbarossa first shut himself up in this place; but fearing conspiracies on the part of the inhabitants, he escaped during the night with his troops. The Spanish General, informed of his followers, intercepted him in his road, and came up with him near the river Heuxda, eight miles from Tremecen. They fought at first with equal fury, but at last the Spaniards were obliged to give in. Barbarossa was killed, with a large party of his men, in 1518, after a reign which had lasted only two years.

At his death, the Turkish soldiers and the cruising captains chose his brother, Khair-Eddin, better known under the name of Ariadan Barbarossa, to succeed him. He reigned at first very peaceably; but in 1519, menaced with a general revolt by his subjects, who were driven to extremities by the despotism of the Turks, he sent

an ambassador to Selim I. ; and placed under the protection of the Porte, by means of a tribute, Selim named him a Pasha, and immediately sent a corps of janissaries to maintain upon the throne his new vassal. Khair-Eddin being, by order, rendered master of a fort occupied by the Spaniards, and built upon an island near to Algiers, caused a pier to be made, in order to form a new fort. Thirty thousand Christian slaves were employed at this work, which was finished in less than three years. Khair-Eddin still increased the fortifications of Algiers, and furnished it with troops and artillery.

Soliman II., thinking to find in him the only man capable of being opposed to André Doria, named him kapoudan-pasha, or admiral. Having left the pashalic of Algiers to a renegade, called Hassem-Aga, Khair-Eddin went to pay homage to Soliman. He immediately subdued Tunis. Driven from that town by Charles V., he ravaged the sides of Italy, attacked André Doria in the Gulf of Ambracia, and remained master of that sea. At length, after many glorious expeditions, he returned to Constantinople, and died there in 1546.

The Porte continued for a long time to name the Pashas of Algiers, and to send them money and troops. About the commencement of the 17th century, the janissaries, enraged against its governors, because they would not give them their pay, sent an ambassador to Constantinople, and proposed to the Grand Signor to choose a chief himself, to govern under the name of Dey, who would deduct their pay from the amount of the contributions imposed on the inhabitants of the regency. The Grand Signor, whom this new arrangement excused from sending to Algiers the sums necessary for the maintenance of the troops, consented to the conditions proposed by the janissaries themselves ; knowing that the Grand Signor should always be sovereign of Algiers, and that his Pasha should continue to receive the accustomed honours.

Things remained thus for some time. At a still later date, the Pashas assumed to themselves the right of life and death over the Deys, who were then only chiefs of janissaries. In 1710, the Dey Baba-Ali, having entertained a just suspicion against the reigning Pasha, placed him on board a ship, and sent him to Constantinople. He sent, at the same time, an ambassador with presents to the Grand Vizier, and to all the persons who possessed any influence with the Porte. The ambassadors represented that the Pasha of Algiers had deserved death, and that it was only out of regard for the Grand Signor that he had been spared. They finished by saying, that the double authority of the Pashas and the Deys were against the interests of the regency ; they supplicated his Highness to send no more Pashas there, and to elevate the Dey

to that dignity. The presents of Baba-Ali having overcome every difficulty, the Grand Signor granted him what he demanded.

It was at this epoch that the regency ceased to receive from the Grand Signor a Pasha and troops. To fill up the vacancies which war and malady caused in the militia, the Dey sent every year to Constantinople and to Smyrna ships and commissioners to enrol the lower orders of the population of these two towns, and also the malefactors. This order of things placed all power in the hands of the Dey, and the soldiers who elevated him to the throne ; since which the sovereignty of the Grand Signor over Algiers is only nominal.

The Turkish militia of the regency scarcely exceeds from ten to twelve thousand men ; this number is sufficient to keep the natives in awe. If they should wish to throw off their yoke, they must organise an insurrection in the spring, when a part of the Dey's army is sent into the interior of the country to raise contributions. Independent of the Turks, the Dey maintains a troop of Moors ; and, in case of necessity, he makes an appeal to the inhabitants of the interior. The number of men which the regency can place on foot, is estimated at 120,000 men. If we may believe Macgill, the army of Algiers is not very formidable. This traveller states that, in the campaign of 1807 against Tunis, four rounds of cannon fired by a Greek slave, put to flight a corps of Algerines.

The fate of the Christian captives has undergone no change since the slavery of Cervantes until our time. That which we read in the two plays of ' *El Trato de Argel*,' and ' *Los Banos de Argel*,' in the novel of ' *L' Esclave*,' and that of ' *L' Amante Libérale*,' is a hideous but true picture of the character of the Barbaresques, and the sufferings to which the captives are continually exposed.

As soon as an Algerine vessel has made a prize, the Turks and the Moors replace the equipage of the captured vessel, and return on board the corsair. Arrived in port, the prize is consigned to the Captain of the Port, and the cruiser again puts out to sea. They make an inventory of the cargo, and present it to the Dey, who, although legal proprietor of all that is taken, only retains one-eighth of the whole. If the cargo can be easily parted, it is divided, and all those who were on board the corsair have their share ; otherwise, they sell it, and divide the product. If the Moors will not, the Jews are obliged to make the purchase.

After their landing, the captives are conducted to the palace of the Dey, where their papers are examined. If they belong to a nation of which the regency has nothing to fear, they are declared a good prize. The best are reserved for the service of his Highness, the others are condemned to public work, or to be sold by auction. The crier proclaims in a loud voice their number and their skill. Every body

is then free to examine them with the greatest nicety, to open their mouths, as they would a horse, and to name their price. When a slave is bought, the money must be paid on the spot. The women who have any hope of obtaining their ransom, are placed in a garden until their ransom is effected. The poor captives are sold to the Moors and the Turks. Many merchants buy, for speculation, those slaves whom they think capable of paying their ransom. The condition of the slaves who are bought depends on the condition and character of their masters. There are some whose treatment is tolerable; others, on the contrary, are condemned to the most vile works, and are treated with great severity. Many are killed for not being willing to submit to the brutality of their masters. But they who are most to be pitied are those who are destined to the public works. Despoiled of their garments, which are replaced by a poor cloth vest, they are shut up in a galley. Every morning before day, the galley-sergeant proposes to their guard to call them for a flogging, and they cry out in broken *lingua franca*: *bamos a trabajo cornutas*; *can d'infidel a trabajo*. They then come out of the galley, with their head and feet naked, covered with chains, and are taken to the bake-house, where they are given two small black loaves, which forms almost the whole of their nourishment; and without the charity of some Moors, who do not conform with this custom, they would have nothing to eat on Friday, because on that day they are not allowed to work. They are obliged to make cord and sails for the fleet, to empty the wells, to cleanse the gutters, and carry stones and wood for the public buildings. They are yoked also with beasts of burden, and when there are any floggings to be given, they are always for the Christians. The picture of the interior of a galley, those in which we have seen the captive shut up, would be too revolting to place under the eyes of our readers.

The expedition of Lord Exmouth has, without doubt, caused these horrors to cease for a time, by procuring liberty to the Christian slaves who were in Algiers; but the first article of the treaty of the 30th of August 1816, which was the total abolition of Christian slavery—has it been observed? We are convinced to the contrary; and we have reason to believe, that this treaty has not been better executed by the Barbaresques, than the treaties for the abolition of the negro slave trade has been by the Christian Powers.—*French Globe*.

ORIGIN, HISTORY, AND PRESENT STATE OF THE CENSORSHIP
OF THE PRESS IN INDIA.

No. II.

*Dr. M'Lean's Private and Unpublished Journal, from his Expulsion
from India, till his Arrival in England.*

No. 4, South Barracks, Fort William,
Saturday, August 4, 1798.

THE point at issue being the destruction or maintenance of the Freedom of the Press in India, as there was no probability that either the Governor-General or myself would recede from our respective pretensions, it appeared inevitable that I should return to Europe. Accordingly, at the termination of the month of July, I gave up my house, and, at eleven o'clock, A. M., on Friday, the 3d of August, surrendered, by my own appointment, to Captain Mouggach, Town-Adjutant, at Parr's Tavern—not choosing to implicate any of my friends in my proceedings with the Government. He there gave me the following letter :

' To Mr. Charles M'Lean.

*' Sir,—I am directed to acknowledge the receipt of your letter of the 23d instant, and to acquaint you that instructions have been issued to the Commander of the Honourable Company's ship *Busbridge*, to receive and accommodate you with a charter-party passage; and to desire that you will immediately prepare to embark on board that ship, instead of the *Mildred*.*

*' The Town-Adjutant has received orders to conduct you immediately on board the *Busbridge*, unless you will give good security to repair to that ship in due time; and her Commander has been informed, that he will be held responsible for the security of your person until his arrival in England, when he is permitted to release you.—I am, Sir, your most obedient humble servant,*

' D. CAMPBELL, Sub.-Sec.

' Council Chamber, 30th July, 1798.'

Having taken some refreshment at the tavern, I was conducted by Captain Mouggach to the Fort, and lodged in his apartment, (subalterns' quarters, consisting of one room tolerably spacious,) with a sentinel at my door. I had permission, however, to walk in any part of the building. In the meantime, a sircar, who held an obligation of mine for a small sum of money, of which a balance remained due, payable in five or six months, had, it seems, prepared to issue a writ of *ne exeat regno* against me, and to claim my person from the Government. Of this circumstance I was informed at the tavern by Captain Mouggach, in a manner that gave me to un-

derstand it was supposed to have been by my own connivance. Without manifesting any particular eagerness to repel this conjecture, I merely stated, that I knew nothing of the matter; observing, at the same time, that, as such an interference would be of disservice to me, it was obvious that the intention of the sircar could be only to recover the amount of his debt from Government. There is not the least probability that his views extended further. At nine o'clock, I dismissed my servants for the night, and went to bed.

Sunday, August 5, 1798.

Scarcely had the tranquillizing influence of sleep pervaded my frame, to the exclusion of ordinary impressions, when a voice of the most authoritative tone briskly interrupted my slumbers—'Mr. Maclean, you must repair on board immediately.' Raising myself in bed, and looking round, I saw several European serjeants, and a number of sepoys, with swords and firelocks glittering in every direction. Serjeant-major Jones, the leader of this gallant band, informed me that a Company's sloop was ready to convey me to Saugor Roads, and that he had the orders of the Town-Major (Captain Calcraft) to conduct me on board immediately. I represented to him that it was a strange time for such a proceeding; that all my servants had left the Fort, and were gone to their respective homes for the night; that it would be impossible to find them at so unseasonable an hour, or to get my clothes and baggage from Calcutta. These were inconveniences of such a nature, I observed, that I must absolutely refuse to get out of bed but by force; adding, that I should be ready to repair on board as early as they pleased in the morning; that the delay could not possibly be of any consequence in respect to the affair of the sircar, which I presumed was the motive of their precipitancy, since the gates of the Fort were already shut for the night, and the next day being Sunday, no arrest could take place by the civil power for debt.

He said he could not take upon himself the responsibility of granting my request, but would go back to the Town-Major for fresh instructions, and, in the meantime, ordered the soldiers to quit the room, leaving one as a sentinel at the door. Among the military functionaries present was an old acquaintance, Garrison-serjeant Martin, to whose family I had had occasion to render some little services at the Calcutta General Hospital. He was very much affected, and could hardly credit the testimony of his eyes. 'God bless me, my dear Sir, is it really you? What can I do to show my gratitude and respect? Can I run to Calcutta for your baggage and servants?' Can I do this? can I do that? He named twenty things almost in a breath. The honest fellow contributed, by his words and actions, and by his exhortations to the other persons employed around me, to render essential services in every way within the compass of his power, and to evince a disposition the most gratifying to

a person under my particular circumstances. Serjeant-major Jones soon returned with a message, importing, that in consideration of what I had stated, I might remain till morning, upon giving my word of honour that I should be ready to repair on board the Company's sloop by gun-fire (day-break, then five o'clock.) That matter being settled, I arranged such part of my baggage as was at hand, and again went to sleep. At four o'clock I got up, procured the aid of the sentinel to pack up a few articles that remained, and was ready before the appointed hour. Besides an escort of a serjeant and twelve sepoy, Captain Davis, Aid-de-Camp of the Governor-General, and Fort-Adjutant, accompanied me to the water-side. On our way, we passed along the parade, where the 33d regiment, in which a school and class-fellow of my own was an officer, were assembled for purposes of devotion. At the approach of our party, i. e. Captain Davis and myself, walking side by side, and Serjeant Dixon, with twelve sepoy, at some distance behind us, they all seemed to withdraw their attention from the chaplain, to fix their eyes upon us. It happened rather awkwardly that, just as we came abreast of the regiment, it was discovered that we had taken a wrong road, and we had to measure back our ground. Although I did not feel my situation in any respect disgraceful, and was therefore indifferent who should meet our procession, yet I could not help reflecting that the circumstance argued a degree of inattention, which, in such a case, was at least indelicate, if it did not arise from a comparison of intellect induced by a consciousness of being employed on a service of rather an odious character. Arrived at the water-side, Captain Davis inquired which was the sloop prepared for me? Off the ghaut, or wharf, was one Company's, and several *pariah*, or common trading-vessels. Some one answered, 'It is that sloop,' pointing to the Company's.—'That can't be,' replied Captain Davis, an expression from which I inferred that he thought it too good a conveyance, and that I was destined to perform my voyage to Saugor Roads in one of the *pariah* sloops,—a vehicle not very remarkable either for elegance or convenience of accommodation, not to speak of safety. But our doubts were removed upon the arrival of Serjeant-major Jones, who informed us that the Honourable Company's sloop was the one actually prepared for my reception.

Captain Davis now wished me a good morning, leaving me to the care of Serjeant-major Jones, who conducted me on board the Honourable Company's transport *George*—a very neat vessel, commanded by a facetious little German, called Harmann. Here we had to wait the turning of the tide, (which would not deviate one inch from its fixed laws, in compliance with the caprices of a Governor-General,) and the arrival of the main body of my baggage from Calcutta, which my servants had, the night before, been instructed to bring in the morning. During this interval of inaction,

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Oriental Herald, Vol. 16.

I endeavoured to gain the confidence of my *compagnons de voyage*, by entering into the humour of their conversation. The serjeant-major was a sprightly little fellow, seemingly entertaining a very high opinion of the dignity of his own station, and of the importance of the service on which he was then employed; he was, moreover, not a little fond of hearing himself talk. I took occasion to ask him whether the Town-Major had readily assented to my request of being permitted to sleep ashore last night? He frankly answered, that Captain Calcraft deliberated for a long time, apparently weighing the nature of the orders of Lord Mornington (the title then borne by the enchainers of the Anglo-Asiatic Press) on the one hand, which were peremptory, and the reasonableness of my request on the other. Victory hung poising on the wings of doubt; and the fear of disoblighing the Governor-General would probably have outweighed the merits of the case, had not a glance and an observation from Mrs. Calcraft seasonably intervened to turn the doubtful balance in my favour.—‘My dear, it would be barbarous to force Dr. Maclean from his bed unnecessarily, and to send him in a small sloop on the river at this time of night.’ Although it was not in itself a matter of infinite importance whether I slept in No. 4., South Barracks, Fort-William, or on board the Honourable Company’s transport, *George*, in the river Hooghley, yet I feel an indelible obligation to this generous lady for her kind, and, considering the notoriously arbitrary disposition of the Governor-General, what, I must consider, her magnanimous intercession in my behalf. It is gratifying to be indebted to the influence of unsophisticated female justice and tenderness for an indulgence, which would be received with reluctance or disgust, as the result of a cold, calculating, official condescension.

Towards eight o’clock in the morning, the tide had become favourable, and my servants arrived on board the *George* with my baggage from Calcutta. The serjeant-major told Captain Harmann that I was to be accommodated with the *great* cabin, and, leaving me to the care of Serjeant Dixon and his twelve sepoys, shook me heartily by the hand, wished me a pleasant passage to England, and skipped with infinite self-satisfaction over the side. I was sorry to part with a person who had performed so ungracious a duty with so much good humour. Captain Harmann, having received orders to get under weigh with the first of the tide, unmoored his sloop, and allowed her to drop gently down the river, leaving his boat on shore for the use of my servants, who had gone to the bazar (market) to buy bread, butter, fowls, eggs, milk, and such articles of food as could be most easily procured. They were all anxious to accompany me to Saugor Roads, and proposed, if I thought I should return in a year or two, to go and live in their country till that period, without engaging in any service. But I dissuaded them from this project, assuring them that there was not the smallest chance of my returning for a long time, if ever, to India.

Although there was no stock of provisions on board the *George*, we could depend upon being able to procure a plentiful supply every where along the banks of the Hooghley. But, even with the aid of money, we could procure no wine, an article which it had been found impossible to send for under the indecent and unexpected hurry with which my embarkation from the Fort was precipitated. In order to remedy this omission, it occurred to me, as we passed the Botanic Garden, to acquaint my friend Smith, the head botanist, with my wants, and to request him to send me two or three bottles of Madeira, for the passage down the river. The honest fellow immediately sent me three dozen; and would have come himself on board, but that he expected the Governor-General to visit the garden that morning. It was a most seasonable supply, as the conjoint ravages of an Asiatic climate, and of more than an Asiatic oppression, had brought my constitution into a state to require some adventitious support. Amongst the traits, creditable and discreditable, of human character, which the circumstances of my banishment called forth upon this occasion, I should be sorry to omit mentioning a striking one of the former description, although it is only matter of guess to whom it ought to be attributed. A few days previous to my surrendering myself to Captain Mouggach, a hundred pounds were privately transmitted to me, towards rendering me comfortable during the passage to England; and upon the very correct supposition, that, by the arbitrary proceedings of the Governor-General, my property had been destroyed, or rendered unavailable, as well as the gratifying one that my conduct merited approbation. This donation, I have reason to believe, was made by a Mr. Law, a gentleman of independent mind, high in the Company's service, and a brother of the late Lord Ellenborough. The mention of the fact may more fully elicit the truth, and its publication cannot now by possibility prove injurious to the individual, who, I understand, is become a citizen of the United States. If this should meet the eye of my friend, Dr. Patrick Muschet, who was cognizant of the transaction, he will perhaps take the trouble to correct me if I am wrong.

Whilst the boat was absent, I invited Captain Harmann to breakfast. Scarcely had he been five minutes off the deck, when, sitting comfortably over our tea, we were suddenly alarmed by a shock, as if the vessel had taken the ground. On gaining the deck, we actually found her fast on the beach,—an accident for which I was very sorry, as it seemed greatly to affect the honest German, who appeared to be a diligent, attentive, and trustworthy man. Every means we could think of were put in practice to get the vessel off, but in vain. It was not until the return of the flood-tide, nine or ten hours afterwards, that she floated. What most distressed the unfortunate master of the *George* was the reflection, that we were in sight from the Governor-General's country residence, who, if in,

formed of the fact, might suspect that there was treason in the wind. Another circumstance, scarcely less mortifying, was, that we were seen by some pilots passing down the river, who, Harmann was convicted, would not fail to make the most of the circumstance to his prejudice, as not being a regular bred pilot, and therefore considered by them an intruder. I endeavoured to console him by showing that no blame could be fairly imputed to him for what could be only considered a mere accident, and that no ill effect could even casually arise from it, since, by lying below Garden-reach, beyond which the jurisdiction of the Supreme Court of Judicature does not extend, the intention of the Governor-General in expediting us, namely, to prevent my being claimed by the civil power, was fully answered. The apprehensions of censure entertained by Harmann might not, however, have been ill-founded; and he requested me to give him at parting a certificate respecting his conduct upon this occasion, with which I very cheerfully complied; warning him, at the same time, that I was doubtful how far, in such a case, my certificate would be of service to him.

In the course of the passage down the river, I was informed by Serjeant Dixon, who, as well as the sepoys, were very civil and obliging, that he had received orders, should any attempt be made by the sheriff's officers to seize my person, to repel them by force. This affords additional corroboration of the correctness of my conclusions respecting the disposition of the Governor-General, and his determination of expelling me at all events, as an indispensable preliminary to his being enabled, without a murmur, to impose shackles on the press; for although, by my presence in Calcutta, I should not have been able to prevent the calamity of a censorship, it is certain that I might, and would, have excited against it a considerable odium, and occasioned the necessity of having recourse to open violence. It gives me singular pleasure here to record the marked and respectful attention which I had the satisfaction to receive, from all the persons, without exception, who were employed on any kind of duty about my person during my imprisonment. It seemed as if sympathy and love of justice had taken their abode with these honest people, after having deserted the breasts of men in superior stations.

Monday, August 6, 1798.

Yesterday evening the vessel floated off the bank, but we could not proceed at night, owing to the intricacy of the navigation. We now glide gently along the luxuriantly verdant borders of the majestic and fertilizing Hooghley. To-day, Harmann will not venture within a mile of any sand-bank; far less will he approach the shore, even where a seventy-four might swim; and as to eddies, to which he attributes the accident of yesterday, the very sight of one would make his hair stand on end. I doubt whether he will ever again be reconciled to an eddy.

It is very difficult to anchor in the Hooghley, without being close to some one of these annoyances. Hermann, however, contrived to keep at a due distance from all of them, by anchoring in the widest part of the river he could find, not far above Fultah. Here we sat down to dinner, to which I invited Captain Harmann. Smith's Madeira contributed powerfully to consign to a temporary oblivion all our recent misfortunes, and indeed elevated Harmann so far above the recollection of sand-banks, eddies, and even the river Hooghley itself, that he seemed as if all at once transported to the banks of the Maine, the Oder, and the Rhine. He entered upon narratives respecting these parts of Germany, according to his own pronunciation, with which he was best acquainted; talked with patriotic enthusiasm of the flying bridge of the Rhine, and descanted with some fluency, mixed with a portion of regret, on the recent political divisions of the countries on either side of that river. But although the worthy German lamented, in the gross, this new division of his native soil, he did not deny that many things required to be amended in the old system. He particularly remarked on the hardship, that the poor peasantry not only must not kill a hare, or any other kind of game, although in the act of eating, or otherwise destroying their corn; but, on the contrary, that they must turn out to help their young masters to hunt down the game, and even to trample their own corn under foot, if necessary, in order to get at it. He also willingly admitted the iniquity of the recruiting system, and of the sale of soldiers in Germany, a traffic well known to all the nations of Christendom.

Tuesday, August 7, 1798.

Passed Diamond Harbour, and anchored a few miles below the shipping, opposite to Chingree Creek. Here we were informed that the *Busbridge*, and some other ships, had sailed for Saugor two or three days before.

Wednesday, August 8, 1798.

Came down near the Kedgerree, where we found the *Busbridge* aground, and sent a boat on board her. This accident, to a superstitious mind, would, under the actual circumstances, have appeared ominous. I thought it better to remain in the sloop *George* for the night, than to add to the confusion on board the *Busbridge*, by repairing to that ship with my baggage whilst they were endeavouring to get her off the ground.

Thursday, August 9, 1798.

Went on board the *Busbridge*. The *George*, having my servants on board, returned to Calcutta. On the same day, the *Busbridge* dropped down to Saugor Roads. The commander of that ship, I found, had received the under-written instructions concerning me:

'To Captain Dobree, or the commanding officer on board the Honourable Company's ship *Busbridge*.

'SIR,—You are hereby directed to receive on board the ship under

your command, and accommodate with a passage to Europe, Mr. Charles Maclean, with his necessaries.

'The passage-money of Mr. Maclean, who proceeds on the terms of charter-party, will be paid by the Honourable Court of Directors.

'The Honourable Governor-General in Council directs me to signify to you his most positive commands, that particular care be taken to prevent the escape of Mr. Maclean from the *Busbridge*, from the period of his embarkation to the ship being quitted by the pilot, or by any subsequent opportunity that may happen in the course of the voyage; and to acquaint you, that you will be held responsible for the security of his person until his arrival in England, when you will discharge him, giving due notice of the same to the Secretary of the Honourable Court of Directors.—I am, Sir, your most obedient, humble servant,

'D. CAMPBELL, Sub-Secretary.

'Council-Chamber, July 30, 1798.'

On board the *Busbridge*, I might perhaps have been placed among the seaman, had it not happened that my cousin, Mr. Alexander Campbell of Dunstaffnage, afterwards commander of the *Sovereign* East Indiaman, was fourth officer of the ship, and had a cabin, which he kindly shared with me. For himself, my arrival on board was opportune, as it appears to have been the means of rescuing him from the fatal effects of a fever, with which he and a whole boat's crew of the seamen were that day seized, in consequence of exposure to sun and rain, in going ashore to bury the boatswain, and of which every man but himself perished. For the preceding four days, the ship's crew had lost at the rate of one man a-day, and several were still in danger. Being my relation, I undertook Mr. Campbell's treatment, at his own request. His case, of which I took particular notes, will be found at page 152 of my 'Practical Illustrations of the Progress of Medical Improvement for the Last Thirty Years,' &c., published in 1818.

From Saugor Roads the *Busbridge* sailed on the 22d of August, but was obliged to put back, and did not finally sail until the 15th of September, 1798. On the 17th the pilot left us, and we proceeded to sea. The *Virginia* frigate, and *Camden*, *Henry Dundas*, and *Fitzwilliam* Indiamen, had preceded us to Madras. On the 21st, spoke the Company's cruiser *Nonsuch*, off Ganjam, and were informed by Captain Canning, that accounts had been received of an eight-and-twenty gun ship, and two smaller vessels having been fitted out in France, and sailed in May, for the purpose of cruising for our East India ships off Point Palmiras. These privateers, it was said, were to be commanded by Surcouff, the young man who had so gallantly captured the *Triton* East Indiaman the year before, in a small pilot vessel, with a crew of twenty-seven men. It is but justice to the *Triton* to say, that she was taken by surprise; not expecting in the

pilot-vessel an enemy. The *Nonsuch* kept company with us for several days. We kept in shore, and had light winds or calms almost the whole of the passage. On the 1st of October, we came in sight of Madras, and on the 2d anchored in the roads.

My situation now became a source¹ of considerable perplexity to Captain Dobree of the *Busbridge*. His orders were very peremptory to prevent my escape; but, upon explaining to him how very absurd it was to suppose that I could have any intention of escaping, and pledging my word of honour that I should rejoin the ship whenever he should declare her to be ready to sail, he very handsomely took upon himself the responsibility of allowing me to go ashore, and to remain there during the stay of the *Busbridge* at Madras. The officers of the ship would have guaranteed the performance of the conditions on my part, had any guarantee been required; but it was self-evidently a most contemptible artifice, on the part of the Governor-General, to affect to believe that I could have any motives to escape, for the sake, forsooth, of continuing to enjoy the inestimable benefits of his government. Behold me, then, landed at Madras on the 2d of October, and comfortably settled at a tavern in the Black Town, whilst the *quid nuncs* of the place had it that I was in irons in the ~~land~~ ^{land}. Here I had numerous acquaintances; but as I did not know how my affairs might have been represented to them, or how they might themselves be situated, as to their circumstances, or dependencies upon Government, my determination was, neither to seek nor to avoid them, until I should be better informed respecting these matters. To most persons in the Company's service it would be a source of embarrassment, either to be made to appear, or to decline appearing, as the friends of a man labouring under the avowed displeasure of the Governor-General of India. There was, however, one person to whom, from former intimacy and friendship, and from the understood independence of his circumstances, I thought it would be doing an injustice not to make him an exception to the general rule which I had formed. Accordingly, on the second morning of my residence ashore, I called on my old friend, Dr. James Johnstone, surgeon on the Madras establishment, at the house of Messrs. Pelling and De Fries, which I understood to be his head-quarters in the fort. The servant informed me that he was just gone out, but would be there again on the following morning, his own residence being a little way in the country. I left my card. The moment he received it, he came with the utmost expedition in search of me to the tavern. I happened to be from home, and he repeated his call three times in the course of the forenoon, until at length we met. His first expressions were—'What! Charles Maclean live at a tavern, and James Johnstone have a house here! Send your trunks out directly to my house, and live with me whilst you are at Madras.' To the objections which I stated, he replied, 'I am worth a lac of pagodas, and don't value the frowns of the Government.' Upon this

explanation, I with pleasure accepted his invitation ; and the days which I passed under my worthy friend Johnstone's roof, were infinitely the happiest portion of my time whilst I sojourned in India ; where

————— ' The parent sun himself
Seems o'er this world of slaves to tyrannize.'

Some copies were circulated at Madras of my correspondence with the Bengal Government. Amongst others, a copy was sent by Dr. Johnstone to Dr. Berry, nephew to Dr. Anderson, Physician-General, with a view to be presented to his uncle, who, as a liberal and enlightened man, with whom I had been acquainted, I wished to be informed respecting the merits of the case. The concluding paragraph of Dr. Berry's answer, expressing a regret, that ' a man of Mr. Maclean's abilities should have thought it necessary to place himself in opposition to the power of the Governor-General,' determined me, how much soever I respected the Physician-General, not to visit him without an invitation. Dr. Berry was, I believe, Apothecary-General, and held other high appointments at the time ; and it was jocularly remarked by Johnstone, that the Physician-General, who was seldom in accord with them, wished perhaps to enjoy a monopoly of opposition to the Government. With Dr. Thackeray, a friend of Johnstone's, I dined, in a company of twenty persons, on the anniversary of his wedding. I met with Dr. Conelly, with whom I had formerly been acquainted, and who is said to have amassed a large fortune. He said he should be glad to see me at his house ; but not being satisfied, from his manner, that his invitation meant any thing more than words of course, I did not go. Dr. Dunbar, nephew of a late worthy professor of Aberdeen, I also met with. He would, I believe, have been glad to see me, and seemed desirous of forming a dinner-party, which, however, did not take place. Perhaps, indeed, either from friendship or curiosity, most of those with whom I had been formerly acquainted would have been desirous to see me ; but I did not choose, under the circumstances, to put their disposition to too severe a test. Satisfied with the rectitude of my own proceedings, and having learnt, from much experience, not to estimate too highly the suffrages of mankind in general, I did not feel much solicitude, I confess, respecting what might be the opinions formed in India of the merits of my case. It would even have surprised me less, if their conduct evinced upon this occasion had been less liberal ; and I am sure, generosity or proper feeling will not increase with the duration of the shackles imposed upon liberty of discussion in that country. With respect to commercial transactions, I may with truth observe, that, wherever I had dealings and accounts unadjusted, at the period of my expulsion, a strong disposition was manifested to evade rendering me strict justice.

On the 14th of October, 1798, having, with a regret proportion-

ate to the change of situation which I was doomed to undergo, quitted the hospitable mansion and pleasant society of my friend, James Johnstone, his worthy spouse, and her amiable niece, Miss Sophia Laing, I again sorrowfully embarked on board the *Busbridge*, in Madras Roads ; and early in the morning of the 16th, in company with seven ships more, we sailed for England. On the 3d of January, 1799, comprehending a period of eleven weeks from Madras, we reached the Cape of Good Hope, without having met with any remarkable occurrence, and, on the 8th of February, arrived at St. Helena. At this dismal and inhospitable rock was a fleet of upwards of twenty Indiamen, by the grossest misconduct, and at an immense expense to the public, detained *three months* for convoy ; and but a part of the passengers being, during that period, able to procure accommodations ashore.* At length, the *Reasonable*, of 64 guns, Captain Boyles, having arrived from the Cape of Good Hope, the merchantmen sailed on the 9th of May, 1799, under her protection. Towards the end of June, we arrived, without any accident, in England ; after having been, on my part, *ten months* imprisoned on board a ship, at the *fiat* of a Governor-General, for having uttered an insinuation of improper conduct against a Magistrate, whose acts amounted to the most atrocious despotism, and who richly merited transportation, in my place.

THE LOVER TO A CONDOLING FRIEND.

THOUGH kind thy heart which at my sorrow bleeds,
 No balm of thine my wounded spirit needs ;
 True, t'was a heavy—t'was a fatal blow,
 Which left a lasting, overwhelming woe.
 But think'st thou to my grief I weakly bend,
 Or court the comfort of a pitying friend ?
 Thou dost mistake me—sympathy I scorn,
 And I will bear alone what must be borne.
 I spurn the unmanly lover Poets paint,
 Who whines his sorrows forth in recreant plaint ;
 Obtruding on the world his cureless want,
 And craving pity like a mendicant.

* This extraordinary detention arose principally because it did not quite suit the convenience or the inclination of Lord Augustus Fitzroy, in the *Sphinx*s sloop of war, to wait for a few days, for the vulgar purpose of giving convoy to a fleet of merchantmen.

Be mine the strong—the indissoluble tie,
That loves without a tear, without a sigh,
That watches out the moon's unceasing round,
Still firm in hoping though no hope be found;
Unmoved by sickness, and unworn by care,
In absence strong, and strongest in despair.
Such love alone can match my Clora's worth,
Such worth alone so strong a love call forth :
The Gods may doom this moment as my last,
But not the Gods can rob me of the past.
I have beheld her, and her radiant form
Shot like a sun-beam through a wint'ry storm,
Calmed the rough billows of a troubled breast,
And lulled the ocean of my soul to rest.
For who could gaze upon that calm blue eye,
Nor feel its soothing softer than a sigh ?
Or who could dwell upon that ruby lip,
Nor long for nectar, though he dare not sip ?
Or hear that silver tongue's melodious sound,
Nor own the discord of each voice around ?
What heart, an t'were not stone itself, withstand
The downy pressure of that snow-white hand ?
But vain to trace each part—the perfect whole
Usurped at once the empire of my soul,
O'erruling all within, alone to reign
Despotic Mistress in her own domain.
Is she not mine ? am I not still possess
Of her dear form ? Let fancy hope the rest :
She may be gone, yet is her image there—
Me from myself no mortal power can tear.
True, I am wretched, yet I bow not low,
With pride I feel the dignity of woe ;
No tender sapling is my steadfast mind,
Waving its supple form to ev'ry wind :
'Tis the majestic oak, which, rooted fast,
Stands forth in bold defiance of the blast ;
Nor tame submission to the storm will lend,
Which may be overthrown, but ne'er will bend.

B. G. B.

JOURNEY FROM MADRAS TO BOMBAY.

No. VII.

Elephant-Feeding—Cheap Houses—Cultivation of Pepper—Caste of the Nayers—Singular Customs.

A HEAVY fog fell again this morning, (March 14,) and did not disperse until eight o'clock. After I had breakfasted, and taken leave of the Natives, who all came to bid me farewell, I sat on an elephant, preferring his back to the palanquin, notwithstanding the heat, which I kept off in some measure by an umbrella. Our road, for the first three or four miles of our journey, was varied as before by alternate hill and dale; but we then began to descend the Hedg-noon pass. The road was still wooded on either side, as far as the eye could reach, with the tallest and largest trees I ever beheld. I endeavoured with my eye to measure the height of one of an average size, and I made it out to be sixty feet of perpendicular trunk, before any branch was thrown off, while the foliage might occupy about thirty more. The name of the most gigantic kind is palei maram, and it is remarkable for the form of its trunk near the foot, which is that of a central column, supported by several flat buttresses. These trees were filled with monkeys, which chattered at us as we passed; and on one, a bird, which the Natives called kombaki, and considered to be of a rare species, was pointed out to me, though it was too far off to enable me to shoot it, or even to describe its plumage.

We had, during the whole of this day's march, a torrent on our right, which was sometimes seen rushing over a bed of rocks, but was in general hidden by the woods. At length, after a journey of five hours down hills, in some places dangerously steep, we reached the bottom of the pass, and arrived at a small village, called Kallar, which means Stony River; for the rocky torrent which we had been following ran close by it. Whilst at this place, I took the opportunity of seeing the elephants fed, and of making some inquiries respecting their management, as we had now reached the confines of the Rajah of Courg's territory, and his attendants were to accompany me no further. As soon as the day's march is over, the elephant is taken by his driver into the woods, and a sufficient quantity of whatever branches or leaves he may like are cut by an attendant, and placed on his back; he then brings them to the quarters where he is to rest for the night, and being then chained to a tree by the right hind leg, he proceeds to take his meal. The two which I had been watching brought home a load of kattoo taingai, or wild cocoa-nut leaves: they are several feet long, with

leaflets from the main stalk. The elephant wreaths his trunk with the branch in it up to his mouth, seizes as much as he wants with his grinding teeth, and wrenches away the rest. He seems to be constantly tormented with flies, for he is always in motion, and every three or four seconds raises one of these enormous branches in his proboscis, and lashes with it his sides, his belly, and his head. Besides green food, he is allowed five seers a-day of raw rice, which is mixed with one seer of jaggery, or sugar, after the first evaporation of the juice, and one seer of ghee; * these ingredients being mixed, are rolled together into three balls, wrapped up in grass, and passed by the keeper to the back of his mouth. This meal he takes morning and evening.

After these inquiries, I returned to my place of rest for the night—a small wooden choultry, which, like the rest of the houses in the village, was of the poorest sort. The warmth and regularity of a southern climate has a great tendency to check the progress of inventive genius, and prevent the attainment of high perfection in the arts; for where wants are few, the means of gratifying them will not easily be multiplied. The habitation which I now occupied answered every purpose of shielding the Native from the weather, and, therefore, he could have little inducement to improve its construction; and yet this was so very simple, that one may suppose it to have been invented not long after the creation of man, and the only instrument required to form it was a knife or hatchet. The floor was of earth, the walls of unbarked posts, placed at a distance from one another, and having the intervals filled up with sun-burnt bricks, cemented with mud. The rafters of the roof were of bamboo, tied together with the pliant bark of trees and twigs of the willow kind, † and over these, mats were laid, made of the leaves of the wild cocoa-nut, which are easily plaited together. The whole was covered with a thatching of wild grass, tied also with twigs, and pinned down with wooden pegs. ‡

I rose at six o'clock, (March 15th,) and as we had descended from the misty heights of Courg, we no longer found any fog floating in the air. On walking a little distance from the choultry, I perceived a path leading to a broad basin of the torrent already described, and the water appeared so clear and so cool that I was tempted to bathe in it. I saw several fish in the stream of a

* Ghee is that part of butter which remains when the impurities have been separated from it by the application of heat. It is used by the Natives of India for all culinary purposes.

† In the Carnatic, the fibrous stalk of the palmyra leaf is used for this purpose.

‡ I once had occasion to reside a month up the country in the Carnatic, and I constructed a very capacious rural dwelling of this sort, which cost, including the labour of making it, and the materials, about one guinea.

very respectable size and bright silvery appearance, and on inquiry learned that the practice of angling for them with worm, balls of rice, and sometimes with the fly, was well known. The more common mode, however, of taking them is with the drag net, which is in use all over India. The names of the commonest fish found in the stream were the ooravei fish, the valer fish, and the gendei fish. Of these I succeeded in obtaining the gendei, of which the following is a general description: its shape is that of a chub; its colour dark on the back, becoming gradually lighter down the sides, and white on the belly; it has a black spot on each side, not far from the insertion of the tail; the dorsal fin has nine rays; the gill fins about ten, and the anal fins six. This fish grows to the weight of several pounds, and is said to be delicate food. There was also a little fish or fry brought me, not unlike the minnow, with small scales and red tipped fins. It was called the curry fish, from its being eaten in that dish.

At half-past ten I took leave, at Kallar, of the Subidar, and my Courg attendants; of whom I have further to remark a circumstance which I had forgotten to mention, namely, that the knives or choppers with which they have already been described as armed, were worn naked at their backs, stuck into a kind of circular fastening of iron, confined by a leathern belt, and silver chain round their waists. I now once more entered my palanquin, carried by my own people, and although, with reference to the Courg country, I might be said to be in the low lands, yet still the road was hilly, and I was by no means arrived at a flat coast territory, such as extends inland for many miles on the eastern side of the Peninsula. This remark is verified by the circumstance, that it took me seven hours to perform a distance stated by the Madras road-book to be fifteen miles. The country was all along very woody, and in the latter parts of the way immense tracts were burning or burned. The practice of setting fire to the woods, which is performed yearly in the hills, has a double object,—that of clearing the country of jungle, preparatory to bringing it under cultivation, and also that of manuring the low lands, by the quantity of carbonaceous matter which is thus formed on the hills, and washed down by the monsoon. A great change had now taken place in the geological features of the country, for whilst the mountains of Courg, as well as the pass down them, were all composed of silicious grit or hard white sand-stone, with portions of quartz here and there, these lower hills were composed of that species of ferruginous and porous rock called by Buchanan laterite, which is soft when taken from the quarry, and becomes hard on exposure to the air.

We arrived at Erkooroo at six o'clock in the afternoon. This village is situated on the left bank of a broad and beautiful river. The material of which the houses were built, was the rock just mentioned, than which nothing can be better suited to the purposes of architecture of the ordinary kind. One building, which was a

caravanseraï * for travelling merchants, was two stories high, with arches supporting the upper stories. The whole was of this stone, which had admitted of being fashioned, when soft, even into cornices and other ornaments. My attention was here first directed to the cultivation of pepper, which I perceived to be growing all round the neighbourhood. This plant, like the hop, is parasitical, and is artificially propped up in the same manner. At the commencement of the rainy season, in the end of May, a number of trees, no matter of what kind, provided they be not too large, are lopped of their lower branches, and a pit, of a foot and a-half deep, being dug round each, a slip of the pepper-plant is set in the ground at their foot. This grows for three years before it bears fruit. In the interval nothing is done to it, except binding it loosely to the tree that it may not fall down. It receives no water artificially, but on this coast the rainy season continues six months, that is, from May to November. When the fruit appears, hanging, as it does, to a middle stalk, like Portugal onions to a straw, it is cut and laid out in the sun for three or four days, and being dried in this manner, and stript from the stalk, it is ready for sale. It bears fruit, sooner or later, in the course of the rainy season. The white pepper is prepared by depriving the corns of their outer skin by maceration in a compost of quick lime.

The language spoken at this village is called the Maleialmy, as is this strip of country below the Ghauts, on the western coast, from the Cochin territory to the province of Canara. This is properly the Malabar, or language of the Malabar coast. Tamil is also sometimes called the Malabar; and the reason of the apparent error of giving both languages one name, is, that the term is derived from the two words, *malei*, a mountain, and *varam*, a foot or side,—the compound signifying the land at the foot of the mountains, being precisely the Piedmonte of the Italians. This name was, no doubt, given to contradistinguish this country from the Mysore, and all the table-land above the Ghauts; the word Malabar will, therefore, apply to the Carnatic, as well as to what we call the Malabar coast, and hence to the two languages. The Maleialmy has, moreover, so close a resemblance to the Tamil, that although the Peon, or Government police-officer of this place, spoke only the former, and I only the latter, we understood each other tolerably well.

Of the people who inhabit this coast, differing both in dress and customs from those of the eastern side of the Peninsula, the Mysore and Courg country, I shall not be able to say much, because the time I was among them was too short to admit of my making any elaborate inquiries. The principal castes are the Nayers, and

* The first caravanseraï, properly so called, and which will hereafter be described, that I have seen. It must have been constructed under the directions of the Mapalers, who would bring the notion from Arabia.

Teeyers, and the Mapalers, which last are not Hindoos. The Nayers are a very numerous Hindoo tribe, of more bodily power, and more independent spirit, than most of their countrymen. When the English became masters of the country, they made often desperate resistance to their authority, as they had before done to that of Hyder and Tippoo; and when driven to the last extremity, many of them preferred self-destruction to captivity. The Nayers inherit from the female line; that is to say, the property of a person descends to his sister's children. This singular custom has its origin in one still more so, namely, that the wife is lawfully permitted to entertain two or three paramours besides her own husband; and when one of these has left his slippers at the threshold, the husband is not allowed to enter the door of his own house. Under this loose system of morality, the wife alone is supposed to know the children of the husband, who, if his property descended in a right line, would run the risk of leaving it to children not his own, while his sister's children are certain to be of his own blood.

Although there is, however, so much indifference to the virtues of chastity and fidelity in women, as long as their favours are confined to persons of their own caste, yet the severest punishments are inflicted on a Nayer woman who admits strangers to her confidence.

The Teeyers, as far as I could learn, are an inferior caste to the Nayers, but do not otherwise materially differ from them in customs. Both these races are peculiar, in wearing no clothes above the waist, and in this respect there is no difference between the sexes. The women, indeed, carry a worked muslin handkerchief in their hands, with which they protect their bosoms from the sun; but it would be esteemed immodest to have it spread over them when any man passes, so that on such occasions they always remove it. Thus changeable are the forms of decency! Both these tribes are remarkably handsome, fair, and well made, and have the character of being honest and moral, with the exceptions above mentioned.

The Mapalers are Mohammedans, supposed to be descended from Arabs, though the latter will not own them as of the same religion.* This opinion seems not improbable, as the Arabs have been, for centuries, the greatest navigators of the East, and the monsoon would bring them over from the southern coast of Arabia without any difficulty, even before the use of the compass was known. They are a larger race than the Indians, and are chiefly employed in marine occupations. The men, like the Nayers, wear no clothes above the

* The word *Ma-pellar* some derive from *ma*, a mother, and *pillei*, a child;—children of their mother, that is, natural children, who know not their fathers; these having been Arabs who casually touched on the coast.

waist, but the women go dressed like other Mohammedan females. When I say that these, and the Hindoo people, wear no clothes above the waist, I do not include the head, for the Nayers and Teeyers wear turbans, and the Mapalers a sort of quilted buckram skull-cap. Their language is like that of the Hindoos, but some of them, especially the priests, understand a smattering of Arabic, as one would expect.

To A—— R——.

OH ! might my pen, dear girl, presume
 To honour that auspicious day,
 On which thy new-born infant bloom
 First kiss'd the light of heaven's bright ray.

It would not be thy earliest hours,
 Though then thy charms all eyes allured,—
 Nor the more intellectual powers,
 Which passing years have now matured,

That should inspire my humble lay,
 Or claim the tribute of my tongue ;—
 Far higher thoughts should hail the day,
 And nobler themes awake the song.

Yes ! it should celebrate thy worth,
 Thy candour, modesty, and truth,
 Which, from the hour that gave thee birth,
 To this, has mark'd thy onward youth.

For thee, then, Love, this wish I frame,
 (For who can wishless look on thee ?)
 Though holy rites may change thy name,
 May'st thou, in soul, unchanged still be !

Yes ! may each coming year return
 More welcome and more joyous still,
 Nor leave thee one lost bliss to mourn,
 One act, one word, one thought that's ill.

May'st thou be blest in blessing those
 'Midst whom, through life, thy path shall lead,
 While heaven shall shield thy heart from woes,
 And shed its favours on thy head.

May'st thou repay thy parents' care
 With the same sweetness to the end,
 Their every virtue proudly share,
 And be their best and firmest friend.

J. W.

DOCTRINE OF SUMMARY COMMITMENT FOR CONSTRUCTIVE CONTEMPTS OF PARLIAMENT, AND OF COURTS OF JUSTICE.

No. IV.

In 1798, (March 21,) Lord Minto brought the following paragraph, which had appeared two days before in 'The Morning Chronicle,' under the notice of the House of Lords: 'The House of Lords must now be admitted to be highly important as a political assembly, notwithstanding it has, of late, appeared to be nothing more than a chamber where the Minister's edicts are registered for form's sake. Some of their Lordships are determined to vindicate their importance. It is there that the dresses of the Opera girls are regulated! One of the Roman Emperors recommended to the Senate, when they were good for nothing else, to discuss what was sauce for a turbot. To regulate the length of a petticoat, is a much more genteel employment.' This paragraph was resolved to be a gross and scandalous libel upon the House; and then the proprietor, James Perry, and printer, John Lambert, were heard in their defence. Lambert expressed his sorrow at having unintentionally inserted the paragraph which had offended the House: and Perry declared his utter ignorance of the paragraph until complaint was made of it; he therefore hoped for that clemency which was the characteristic of the dignified and moral justice of their Lordships. The rest of the *trial* of the prisoners took place, as usual, in their absence. Lord Minto inveighed against the general politics of 'The Morning Chronicle,' accusing it of a systematic endeavour to undermine the Constitution, by its advocacy of French principles of anarchy and treason; and was proceeding to prove that *the war itself* might, in some degree, be imputed to the instrumentality of that paper, when he was called to order by the Duke of Leeds. He concluded by moving, that John Lambert and James Perry were guilty of a high breach of the privileges of the House, and that they should be fined 50*l.* each, and be imprisoned in Newgate for three months. The motion was opposed by the Duke of Bedford and the Earl of Derby, both of whom avowed their personal acquaintance with Perry, and vindicated the soundness of his political principles, and the conduct of his paper. The Marquis of Lansdowne and the Duke of Norfolk spoke on the same side; the former treating the paragraph as a mere *jeu d'esprit*, marked by levity with some wit. On the other hand, Lord Sydney characterized the 'Morning Chronicle' as a scandalous paper, which he would not admit into his house; and the Lord Chancellor observed, that the paragraph was one of dull malignity, and of a series of attempts to undermine the House with the public. The Duke of Bedford's amendment for reducing the term of imprisonment to one

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month, was rejected by 69 votes to 11; after which the original motion was carried, and the prisoners were committed to Newgate.

In 1779, (May 1,) Lord Grenville brought to the notice of the House of Lords the following paragraph, which appeared in 'The Cambridge Intelligencer' of April 20, 1799: 'The Bishop of Llandaff has made a fine speech in support of the Minister's plan of Union. The brief history, for a few years past, of this "humble, retired churchman," as he modestly terms himself, is curious. For some time he was an opposer of the Minister: finding that was not the way to preferment, he suddenly became an alarmist, then applied to Mr. Pitt for further preferment, (this our readers may depend upon as a fact,) and has since supported his measures. The Minister, however, has not yet thought the Right Reverend time-server and apostate worth paying, and he remains in the Church, *status quo*, the "humble" Bishop of Llandaff, with a living, and what is nearly a sinecure in this University—the regius professorship of divinity. The public will doubtless give him all the credit for his services he deserves.' After inquiring who was the printer, by examining the clerk of the securities in the Stamp Office, and the inspector of country newspapers, it was resolved, that the paper was 'a gross and scandalous libel upon the Right Rev. Richard Lord Bishop of Llandaff, a member of this House, and a high breach of the privileges of this House;' and ordered, that the Serjeant-at-arms should bring Benjamin Flower to the bar on the 3d of May. The Deputy-Serjeant reached Cambridge early on the morning of May 2, set out with his prisoner at half-past twelve, and arrived at the house of a sheriff's-officer in Chancery-lane, London, about nine o'clock in the evening. At two o'clock, next day, Mr. Flower was conveyed to the House of Lords, and at four, presented at the bar, where he acknowledged the publication, and made a speech in mitigation of punishment, expressing regret that the paragraph should have escaped him, and showing, by quotations from 'The Cambridge Intelligencer,' how constitutional his politics had always been since the commencement of the paper in July 1723. Lord Grenville moved, that Mr. Flower be fined 100*l.*, and committed to Newgate for six months. Lord Kenyon said a few words in favour of the motion. Lord Holland spoke for some time, controverting much of the doctrine of constructive contempt, and referring to various cases. There was, however, not a little inconsistency in his Lordship's argument. He admitted that a libel *might* be a breach of privilege, but contended that imprisonment, without fine, during the sitting of Parliament, (and not for a time certain,) was sufficient, *not by way of punishment*, but as a removal of the obstruction to their proceedings! Now, in the first place, by conceding this inch, he enabled his adversaries to take an hundred ells; the editors and printers of every adverse paper might be sent to prison at the beginning of every Session: in the second place, such imprisonment could not operate by physically removing, or preventing the recurrence of,

the supposed 'obstacle,' but only morally by its effect as punishment. There are few instances of a prisoner in England being long denied the use of pen and ink. Cobbett continued the publication of his 'Register' during his two years' imprisonment in Newgate, twice a week, instead of once a week, as before : and

' Raleigh, when in Tower hurled,
Wrote all the history of the world.'

' Persecutions for writings,' Lord Holland said, ' ought seldom, very seldom, he had ALMOST said never, be adopted ;' but if a strict and severe execution of the laws against public libels are to be resorted to, in order to preserve even the appearance of justice, some equality must be observed, and yet he had perceived, with concern, that a paper (*The Courier*) was prosecuted for daring to do what the hearts of Englishmen felt, what all Europe acknowledged, and what crimes and misgovernment was confirming over a large portion of Europe—namely, that the Emperor of Russia—[Here his Lordship made some strictures, in very energetic language, on the prosecution of John Vint, &c.] A paper, not friendly to Ministers, is punished for copying a paragraph from other journals—so jealous are we of our excellent allies ; but another paper, almost under the sanction of Government, (*The Sun*), is burnt, by order of the Irish House of Commons, for a gross and scandalous libel on that body,* yet no prosecution takes place ; and that paper still continues to enjoy and deserve the patronage of Ministers.'

Lord KENYON said, that there was no ground for complaint on the score of severity of punishment on such an occasion, where the offence was manifestly flagrant. If the libel had been made matter of prosecution in the Court of King's Bench, he was persuaded that the prisoner (if the Jury had found him guilty !) would not have come off with so slight a punishment. The motion of Lord Grenville was then put and carried.

In the Court of King's Bench, June 6, 1799, the following scene occurred :

MR. CLIFFORD.—I humbly move your Lordships for a writ of habeas corpus, to be directed to the keeper of Newgate, commanding him to bring into court the body of Benjamin Flower. I move it on very full affidavit made by Mr. Flower, which states—

' Lord KENYON.—Is not Mr. Flower committed by the House of Lords for a breach of privilege ?

' MR. CLIFFORD.—Yes, for a libel and breach of privilege.

' Lord KENYON.—Then you know very well, Mr. Clifford, that you cannot succeed. This is an attempt which for the last half century has been made every seven or eight years ; it regularly

* See Plowden's History of Ireland, vol. iii, pp. 920, 921.

comes in rotation ; but the attempt has always failed. You do not expect to succeed ?

‘ **Mr. CLIFFORD.**—My Lord I do expect to succeed. I should not make this application unless I knew I could support it. The affidavit states, that on the second of May last, Mr. Flower was taken into custody at Cambridge for a supposed libel on the Bishop of Llandaff, published there : that he was carried before the House of Lords : that he was ordered to withdraw, and was afterwards conducted to Newgate. The affidavit also states, that he is not conscious of having published any libel on the Bishop of Llandaff, or on any other person : that he has not been put upon his defence, nor been tried or convicted of any libel or other offence.

‘ **Lord KENYON.**—Does he swear that it is not a libel on the Bishop of Llandaff ?

‘ **Mr. CLIFFORD.**—He swears that he is not conscious that it is a libel.

‘ **Lord KENYON.**—Another part of his affidavit is also false,—that he was not put upon his defence : I happened to be one of his judges ; I was in the House of Lords at the time, and heard him make a very long defence. File your affidavit, Sir, that your client may be prosecuted. You shall take nothing by your motion.

‘ **Mr. CLIFFORD.**—I certainly intend to file my affidavit. The ground on which I make this application is—That it is a commitment for a libel published at Cambridge. The Lords have no power to commit for a contempt out of their House. I find it laid down as law, in Lord Shaftesbury’s case,* “That for a contempt committed out of the House, the Lords cannot commit, for it may be a matter whereof they are restrained to hold plea by the statute 1 Hen. IV., for the word ‘appeal’ in that statute extends to all misdemeanors.” The case of Mr. Fitton, in 1663 and 1667, is also in point. He was brought to the bar of the House for a libel on the Lord Gerard of Brandon. He was sentenced to pay a fine of 500*l.*, to be imprisoned in the King’s Bench till he produced the author of the libel, and to find sureties for his good behaviour during life. Upon this he petitioned the House of Commons, who referred his petition to a committee, consisting of the Solicitor-General Finch, Mr. Selden, Sergeant Maynard, Mr. Vaughan, and some of the most eminent lawyers of that time. They thought this exercise of jurisdiction by the Lords a breach of the privileges of the Commons, and reported it fit to be argued at the bar of the House. Besides, this being a case of libel, it may be tried here by the course of common law. There is no knowing what may be the consequence, if the Lords shall be allowed this power. They have only to vote an offence to be a breach of privilege, and withdraw it from your Lordship’s jurisdiction. Thus

* State Trials, vol. ii., p. 615.

they may screen a delinquent by passing a milder sentence than the common law would warrant. On the other hand, (though I am sure it will not be attempted by the present House of Lords,) they may use the same pretence for the ruin and oppression of any obnoxious individual. In either case they would act with impunity. Your Lordships may be impeached if you act wrong, but there is no impeachment of the House of Lords. Moreover, this is a commitment for a time certain, and not during the continuance of the session; this only—

‘Lord KENYON.—Have they not uniformly exercised this power since the Revolution? Is there a single instance since that period where it has been denied them?

‘Mr. CLIFFORD.—Yes, my Lord, several. In the case of Bridgman and Holt—

‘Lord KENYON.—Was not that a case where the right of appointing to the office of clerk of this court was contested between my Lord Holt and the Duchess of Grafton?

‘Mr. CLIFFORD.—It was, my Lord.

‘Lord KENYON.—It is very different from this case. It was a right tried between two parties in a civil action. It has nothing upon earth to do with this case.

‘Mr. CLIFFORD.—Originally it was a civil case. But on the trial of the cause at the bar of this court, the counsel of the Duchess tendered a bill of exceptions which the court refused to seal. For this refusal the Judges were criminally arraigned before the House of Lords. They denied the jurisdiction of the Lords: and several precedents having been cited in support of it, they gave this memorable answer: “Some persons perhaps have, from a confidence of success, or from a slavish fear of private policy, forborne to question the power of their superiors; but the Judges must betray their reputation and their knowledge of the laws, if they should own a jurisdiction which former times and their predecessors were unacquainted with.”*

‘Lord KENYON.—If you will have it, take your writ. It will be of no use to you. You move it merely by way of experiment, and without any view to benefit your client. I am very sure of that.

‘Mr. CLIFFORD.—I do not.

‘Lord KENYON.—You know it cannot benefit him. It is like the case of Alexander Murray, where two gentlemen who had not been at the bar for forty years before, put on their wigs and gowns, to resist what they conceived to be an encroachment on the liberty of the subject. The consequence was that their client was sent back to prison, and they returned home as they came, and never appeared again in the profession.

'Mr. CLIFFORD.—The case of Alexander Murray was very different. It was the case of a contempt committed in the House of Commons.

'Lord KENYON.—No, Sir. It was for a contempt committed *out* of the House.

'Mr. CLIFFORD.—It was for a contempt committed in the House. He was originally brought before the House for his conduct in the Westminster election, but the contempt for which he was committed was the refusal to kneel at the bar, when ordered by the House.'

Mr. Flower's affidavit was then delivered in and filed.*

June 11.—The keeper of Newgate attended with Mr. Flower, and the return was read.

'Mr. CLIFFORD.—I am now to state to your Lordships the grounds upon which I conceive this commitment cannot be supported, and on which I mean to contend that Mr. Flower is entitled to his discharge; but, before I proceed to argue the validity of the commitment, I feel it to be a duty which I owe to my client, to myself, and to the profession, to make a few prefatory observations on what fell from your Lordship, when I had the honour of moving for this writ.

'My Lords,—When, in the strict and regular discharge of my professional duty, I moved for it last Thursday, I little thought that I should now appear before your Lordships in a twofold capacity: first, as counsel for Mr. Flower; and secondly, as a delinquent, having a common cause with him, and complaining of your Lordships, for having adjudged me guilty of a contempt of court, in the same manner as Mr. Flower complains of the House of Lords; videlicet, without trial, without evidence, and without defence. Upon that occasion your Lordship thought proper to assert, that I made the motion merely as an experiment, contrary to my own opinion, and without any view of benefiting my client. If this be true, I most undoubtedly was guilty of a gross insult to your Lordships, and of a high contempt of court; such as called for the severest reprehension. But I then told your Lordships, what I now repeat, that I should not have moved for the writ, unless I could have supported it in point of law. I then thought I could, and the more I have reflected on the subject since, the more am I convinced that I can support it, by unanswerable legal arguments; but, although your Lordship made this charge, you did not think proper to state the grounds on which you made it. Of this I have reason to complain. I do not know what right your Lordship has, without just foundation, to impute such unworthy motives to me; what your Lordship sees in me, what there is in my conduct or behaviour, what has appeared in my practice in this court, that can warrant your Lordship in casting so groundless an aspersion on my character. So much for myself.

* State Trials, vol. xxvii. pp. 1021-3.

‘ Your Lordship also upon that occasion showed a considerable degree of indignation, and expressed yourself with much warmth at two points in Mr. Flower’s affidavit ; namely, where he swears that he is not conscious of having published any libel on the Bishop of Llandaff, and that he has not been put upon his defence. Mr Flower, however, still maintains the truth of his affidavit, and notwithstanding the severe animadversions of your Lordship, instructs me to repeat, in his name, and in the very words of the affidavit—“ That he is not conscious of having published any libel on the Bishop of Llandaff, or on any other person whomsoever ; and that he has not been put upon his defence.”

‘ A libel consists of two parts : the act of publishing, and the guilty intention. The House of Lords have indeed taken upon themselves to determine that the paragraph is a libel ; but they have no power of deciding on the fact of intention. Mr. Flower thought that when he came to require justice at your Lordships’ bar, he ought to show himself deserving also of your favour. He disdained to appear before your Lordships stigmatized as a libeller ; therefore, though he admitted the publication of the paragraph, he felt it to be his duty to negative the guilty intention. There are two memorable cases, both tried before your Lordship, which are peculiarly applicable to the present point. I mean the cases of Mr. Stockdale and of Mr. Reeves. In each of these cases the House of Commons had adjudged the party to be guilty of a libel ; yet, when the trials came on, the Juries, the only tribunal competent to decide upon intention, differed from the House of Commons ; and, notwithstanding the weight of their previous adjudications, nobly acquitted both Mr. Stockdale and Mr. Reeves, and pronounced them not guilty of any libel whatsoever. Now, had either Mr. Stockdale or Mr. Reeves, after the vote of the House of Commons and before the trial, come into this court, and made an affidavit that he was not conscious of having published any libel, I have the authority of these two verdicts to say, that in either case such an affidavit would have been true ; but the truth or falsehood of an affidavit cannot depend upon the subsequent verdict of a jury ; it must rest entirely on the intention entertained by the party at the time of publication, and on his feeling of that intention at the time of making the affidavit. On what ground, then, can that, which your Lordships must admit would have been true and proper in the case of either Mr. Stockdale or Mr. Reeves, be tortured into the crime of perjury in the case of Mr. Flower ?

‘ As to the other point—that Mr. Flower was not put upon his defence. Look to the proceedings of the House of Lords, and your Lordships will perceive that Mr. Flower had no opportunity of making one ; at least, if, by defence, he meant the answering a charge before conviction. On the 1st of May, complaint was made to the House of Lords of the paragraph in question, which was im-

mediately voted to be "a gross and scandalous libel on the Bishop of Llandaff, and a high breach of the privileges of the House." And this in the absence of Mr. Flower, who was then at Cambridge. Mr. Flower was thereupon ordered into custody. On the 3d of May, when he was brought to the bar, the proceedings of the 1st of May were read to him; he was then informed of the charge against him; but the question of *guilty* or not *guilty* was not before the House; that had been previously decided in his absence. Nothing then remained for the Lords but to give judgment. Whatever, therefore, he might say, thus circumstanced, cannot be called a defence against the charge. It was nothing more than an address in mitigation of punishment. Thus much by way of preliminary observation.

'I shall now proceed to the main argument, which I shall divide into three parts. I shall show—

'1st. That the House of Lords have no power of imprisoning beyond the duration of the session.

'2d. That they have no power of imposing a fine.

'3d. Which is the principal point: That the House of Lords have no power or jurisdiction to fine or imprison any commoner, not being an officer of their House, for any offence or contempt committed out of that House, such offence or contempt being triable or punishable in the ordinary courts of law.'

When Mr. Clifford concluded a long and able speech—

'Lord KENYON.—The learned counsel, who has looked round on every side, during his address to the court, has drawn a picture of a minister, established in power by the voice of the people, and then doing a great many horrid things, and, among others, filling the House of Lords with a banditti. The learned counsel, it is true, did not use that word, but persons who superseded the ancient nobility of the country. I happen to be one of that number. Of myself I will say nothing. But of the rest I will say a word or two. If we look back to the history of the country, and consider who were made peers in former times, and who now form part of what he calls the hereditary nobility of the country;—if we look back to the reign of Charles II., in the letters which form the word CABAL, will the memory of the learned counsel, who seems to think virtues and vices hereditary, furnish him with the name of no persons who were then made peers, who were not very likely to devolve virtues to the succeeding ages? But no more of that.

'If this case was at all intricate,—if there was any doubt about it, it would very much misbecome those who sit here in judgment, to rush to a decision after all the detail of cases we have heard, without first looking into them. But all this display of learning is most cheaply obtained, as the whole of it is contained in the Treatise of my Lord Hale, lately published by Mr. Hargrave, to which that learned gentleman has affixed a most laborious preface, which I have

read, and which has afforded me a great deal of information and amusement. The operations of Lord Hale's vast mind always call for the greatest attention to any work that bears his name. But in the whole of that publication in the preliminary part, or in the text itself, the learned counsel has not found one single line applicable to the present question. As to the case of *Bridgman v. Holt*, no body doubts about it. There is not a case in the books more familiar to all the professors of the law. The circumstances under which it was tried, pin every body's attention to it: for, when we are told that the Chief Justice of this Court, Lord Holt, left his place upon the bench, and sat uncovered at the bar, to assist the counsel, we are all anxious to know what could have produced that phenomenon. There is not a lawyer who does not know it. It has not the least relation whatever to this case, and yet just as near a relation to it, as all the other cases that have been cited. This is, of all questions upon earth, the plainest that ever came to be discussed.

'It was first contended, that the House of Lords is not a court of record; but that point was receded from almost as soon as made. In their legislative capacity, perhaps they may not be a court of record any more than the House of Commons.

'Another thing was also stated, that the person on the floor was not permitted to defend himself. I happened to be present. The papers and proceedings were all before us. What do they state? "And the said Benjamin Flower, having been heard as to what he had to say in answer to the said complaint, and having acknowledged himself to be printer and publisher of the said paper so complained of, and also, that he was sole proprietor of the same, was directed to withdraw." Had he not an opportunity of calling witnesses? Had he not the same means of defending himself as in a court of justice. From what has passed, I am called upon to vindicate the honour of the House of Lords. Their honour stands upon so stable a ground, that no flirting of any individual can hurt them. The public feels itself safe in its liberties, protected by the two Houses of Parliament. The public, I am sure, neither wishes for innovation, nor that those innovations should begin by calumniating either of the two Houses of Parliament. Government rests upon public opinion; and, if ever the time should come, that any malignant, any factious, or any bad man, shall wish to overturn the constitution of the country, the first step he will take, I dare say, will be, to begin by attacking, in this Court, one or both of the two Houses of Parliament; but all such petty attacks will have no effect upon the public mind. They will only recoil upon those who make them.

'The ground upon which this commitment proceeds is, that there has been a contempt and a breach of privilege of the House of Lords. Is it peculiar to Parliament or to the House of Lords to punish for contempts? Does not this Court claim that power?

Has not this Court exercised it in cases without number? Have we not seen a thousand instances of attachment for contempts, not committed in *facie curiæ* merely? It was not in the presence of this Court that Mr. Beardmore did not do his duty as under sheriff, and yet this Court attached him.* The principal ground, and the great stress and basis of the argument is, that if there is any other way to punish for contempts, this is not to be resorted to. That very case is an answer to the whole of the argument. Mr. Beardmore was indictable for his offence. There can be no doubt of it; and yet he was attached. He was heard upon interrogatories, reported in contempt upon those interrogatories, and fined and imprisoned. Why are the arms of the House of Lords to be shortened? That they can fine in this summary way is also beyond doubt.

‘Look at the case of Lord Shaftesbury, on which so much stress has been laid, and see whether there is any thing that bears upon this case. Let the learned counsel recollect that some of the persons who, in Lord Shaftesbury’s case, wanted to abridge the power of the House of Lords, were afterwards found among the counsel against the seven bishops. One of the counsel against Lord Shaftesbury was one of those three most eminent lawyers who at the time of the Revolution were invested by the House of Commons with the greatest power ever given to a subject, to confer with the House of Lords touching the establishment of the constitution. Mr. Serjeant Maynard is the man who in the case of Lord Shaftesbury argues in support of this power in the House of Lords. Was he a man likely to prostitute his great abilities in support of a doctrine destructive to the liberties of the subject? He says: ‘It ought to be observed that this attempt is *primæ impressionis*, and though imprisonment for contempt is frequent by one and the other House, till now no one has sought their enlargement here.’

‘The Court were obliged to grant this habeas corpus. Having heard it argued, I am of opinion that the party must be remanded—beyond all doubt, unless we wish to upset all the law of parliament; unless we choose to lend our hand to do that most sacrilegious act, to endeavour to overthrow the constitution of the country, this person must be remanded.’

After a few observations from Mr. Justice Grose, (Mr. Justice Lawrence and Mr. Justice Le Blanc being absent,) the tenour of which will be seen from Mr. Clifford’s remarks on them, Mr. Flower was remanded to Newgate.

To the original report of this case, Mr. Clifford added the following postscript:

‘I accede with pleasure to Mr. Flower’s request to revise that

* Burr. vol. ii. p. 792.

part of his publication which relates to the proceedings in the Court of King's Bench. It affords me an opportunity not only of observing on the judgment of the Court, but also of vindicating the character of my ancestor. The expression of gratitude is a virtue and a pleasure. "A liberal mind will delight to cherish and to celebrate the memory of its parents."*

'After an eulogium upon new nobility, the Lord Chief Justice asked, "if looking back to the reign of Charles II., in the letters which form the word CABAL, my memory would furnish me with the names of no persons who were then made peers, who were not very likely to devolve virtues on the succeeding ages?" Of the ministry denominated "the cabal," Clifford alone was raised to the peerage by King Charles II. I know of nothing either in his character, or in the cause of his elevation, of which his descendants need to be ashamed.

'Noble descent, conspicuous talent, fidelity unshaken, important services; each of these has been deemed claim sufficient to the dignity of the peerage;—they all united in Sir Thomas Clifford.'

After a summary view of his ancestor's life and character, Mr. Clifford proceeds to examine the reasons given by the Lord Chief Justice:

"It is not peculiar to the House of Lords to punish for contempts. The Court of King's Bench claims and exercises this power."

'I am far from admitting, that because the Court of King's Bench, or the other Courts at Westminster, exercise a particular power, it therefore follows that the same is vested in the House of Lords. The process by attachment is contrary both to the spirit and to the letter of the great charter. It is not agreeable to the genius of the common law in any other instance; † it cannot, therefore, be claimed by analogy, but must be derived from some statute, or from uninterrupted continual usage, as ancient as the law itself. ‡ "To make it the *lex terræ*, there must be ancient and continual usage; no new practice can make a law."§ If there exist any statute which gives this power to the Lords, let the advocates for the doctrine produce it. I have proved it to be neither the ancient, the continual, nor the uninterrupted usage.

'But, "why are the arms of the House of Lords to be shortened?"

'Because the subject is not to be wantonly deprived of his birth-right, a trial by a jury of his equals. Because the first principle of the British Constitution is, to be jealous of the new approaches,

* Gibbon's Memoirs, P. 34.
 † Black Com. vol. iv. 287. ‡ Ibid. 286.
 § Shower's Parl. Cases, 124.

as well as of the excesses of power. It is with power as with love. "Increase of appetite grows by what it feeds on." This has been fully exemplified in the punishment of Mr. Flower, when contrasted with that of Mr. Perry.

After quoting the paragraph already given under the year 1798, and showing that the punishment inflicted on Mr. Perry for a libel on the whole House, was only *half* that inflicted on Mr. Flower for a libel on a single member :

' But the analogy attempted to be drawn from the practice of the courts of common law completely fails. The courts of common law possess no such power. "Where the party is in Court, an usher may be put over him ; but if he be out of the view of the justices, he cannot be arrested without process."* "A man may be imprisoned for a contempt done in Court, but not for a contempt out of Court."† A thousand instances to the contrary were indeed referred to by the Lord Chief Justice ; but I venture to assert that not one will be found in which the party committed was not an officer of the Court, or in which the contempt was not a disobedience to some of its rules, or an interruption of its proceedings. I do not contend that the Courts are not invested with a power of punishing these contempts in a summary manner ; were it otherwise, there would often be a failure of justice. I am allowed, *ex necessitate rei*, to abate a nuisance which obstructs my way, but if I wish to recover the inheritance or freehold of the land, I must resort to the more tedious forms and process of the law.

' Of the thousand instances in which the Court of King's Bench have exercised this power, the case of Mr. Beardmore has alone been cited by the Lord Chief Justice. He said, "it was an answer to the whole of the argument." I shall state the case. Dr. Shebbear had been sentenced "to be set in and upon the pillory."—Beardmore was the under-sheriff, and therefore bound at his peril to see that the sentence was duly carried into effect. Instead of causing the sentence to be executed in the usual manner, he permitted the defendant to stand unconfined and at his ease on the platform of the pillory, attended by a servant in livery, holding an umbrella over his head all the time. His head, neck, arms, and hands, were not put through the holes of the pillory, nor was his head even inclined to it, and this was done under the inspection of Beardmore, who attended with his wand as under-sheriff. For this contempt, a rule (*nisi*) was obtained for an attachment against Beardmore ; and it was afterwards made absolute on this express ground, that as the contempt was a disobedience of a rule of the Court, and a remission of part of its sentence by their own officer of his own authority, it concerned the honour and dignity of the Court, as well as the effec-

* Year books, Hil. 10, H. 7, pl. 17, p. 17.

† Dean's case. Trin. 41, Eliz. Oro. Eliz. 689.

tual execution of justice, to punish him in this summary way for an offence of such pernicious tendency.*

' To support this commitment by analogy to the practice of the courts of common law, some case ought to have been cited, in which some person had been punished in this summary way for a libel on one of the Judges of the Court. The oracle of the law, Sir Edward Coke, seems to have been unacquainted with this course of proceeding. A libel was published against him as Lord Chief Justice, and against the other Judges of the Court of King's Bench, for a judgment given in the case of Magdalen College. The libel was fixed upon the great gate at the entrance of Westminster-hall, and in divers other public places. It asserted that the judgment was " treason ;" that the Lord Chief Justice was a " traitor " and a " perjured Judge ;" it also scandalized all the professors of the law. A grosser libel cannot well be devised. Yet instead of proceeding by attachment, Lord Coke, who well knew the law and constitution of the country, preferred his bill of indictment.† And indeed it is difficult to conceive upon what grounds can be maintained the right of the courts of law to punish, in this summary way, for a libel on one of their members, when it is acknowledged that disobedience to an order of *nisi prius* is no contempt until the order has been made a rule of the court from which the record issued.

' But although the Lord Chief Justice cited no case in which the courts of common law have exercised this power, such a case exists ; it probably was omitted by his Lordship through regard to the memory of Lord Mansfield. I shall supply the deficiency.'

After noticing the case of Bingley, already extracted under the year 1768 :

' The Lord Chief Justice next asserts, "*That they*" (the House of Lords) "*can fine in this summary way is also beyond doubt.*" Here, unfortunately, his Lordship does not condescend to give the ground of his assertion. In a constitutional point of view, this doctrine is alarming, and dangerous indeed. I know of no right vested in the Lords of raising money on the subject without the concurrence of the Commons. If the privileges of the House of Lords are of too delicate a texture to be examined in the courts of law, and if they may vote any offence to be a breach of their privileges, and then fine the offender to an indefinite amount, it is nonsense to talk of the control of the purse being vested in the House of Commons ; there is always a sufficient number of obnoxious individuals, by fining whom a small temporary supply may be raised ; and in the decline of this mighty empire such may be the exigencies of the state, and the immediate wants of an abandoned minister, that a

* Burrow, vol. ii. 792.

† Jeffes's case, Mich. 5, Car. 1, Cro. Chas. 175.

degraded House of Lords; still disclaiming all right to originate or amend a money bill, may, to serve his purposes, discover that riches are a crime, and then fine the possessors of them as guilty of a breach of the privileges of their House.

‘ But the Lord Chief Justice has admitted, “ *that in their legislative capacity the House of Lords may not be a court of record.*”

‘ In the case of Mr. Flower, it has not been even pretended that they acted in any other capacity; and I think I have sufficiently proved, that unless they are a court of record, they have not the power of imposing a fine. But this admission of his Lordship, that they are not a court of record, furnishes me with an additional argument. By analogy to the practice of the courts of common law, his Lordship contended that the House of Lords had a summary power of imprisonment. By analogy to the practice of the courts of equity, I argue, that they have not the power of imposing a fine. “ In the Chancery,” says my Lord Coke, “ are two courts; one ordinary, according to the course of the common law; the other extraordinary, according to the rule of equity.* The court of equity, proceeding by English bill, is no court of record, and therefore it can bind but the person only, and neither the estate of the defendant’s lands, nor the property of his goods or chattels.”† Lord Coke then cites two cases in support of his doctrine: “ Trinity, 3 Jac. Reg. Egerton, Lord Chancellor, imposed a fine upon Sir Thomas Themilthorp, Knight, for not performing his decree in Chancery, concerning lands of inheritance, and estreated the same into the Exchequer; and upon process, the party appearing pleaded, that the fine was imposed by the Lord Chancellor for non-performance of his decree, and that he had no power to assess the same. The Attorney-General confessed the plea to be true, and petit advisamentum curiæ, concerning the power of the Chancellor in this case; and, upon debate of the question in Court, and good advisement taken, it was adjudged that the Lord Chancellor had no power to assess any such fine, for then, by a mean, he might bind the interest of the land where he had no power, but of the person only. And thereupon the said Sir Thomas Themilthorp was discharged of the said fine.”‡ The second is Waller’s case. “ Afterwards the said Lord Chancellor decreed against Waller certain lands, and for non-performance of the decree, imposed a fine upon him, and, upon process out of the Court of Chancery, extended the lands that Waller had in Middlesex, &c. Whereupon Waller brought his assize in the Court of Common Pleas, where the opinion of the whole Court agreed, in omnibus, with the Court of Exchequer.”§

‘ If the Lords can impose a fine, then, by a mean, they may

* Inst. vol. iv. p. 79.

† Ibid. 84.

‡ Ibid. 34.

§ Ibid.

bind the interest of the land ; but the Lords have no power to bind the interest of the land without an Act of Parliament. " In the 4th of Henry VII., in *Parliament*, the King willed that I. S. should be attainted, and forfeit his lands ; to which the Lords assented, but nothing was said of the Commons ; and therefore, by all the justices it is no act ; and I. S. was restored."*

' The Lord Chief Justice next proceeded to the case of my Lord Shaftesbury ; and I must confess, that after the extent to which I had argued that case, I was much surprised to find it brought in judgment against me. His Lordship said, that in that case, Mr. Sergeant Maynard argued in support of this power in the House of Lords. " Was he a man," his Lordship asked, " likely to prostitute his great abilities in support of a doctrine destructive of the liberties of the subject ? He says, " *it ought to be observed, that this attempt is ' PRIMA IMPRESSIONIS ;' and though imprisonment for contempt is frequent by one and the other House, till now no one has sought their enlargement here.*"

' I bow with reverence to the high authority of Mr. Sergeant Maynard in points of constitutional law. Fortunately, it does not bear me down, but supports me in the present instance. Although the arguments urged by a counsel in behalf of his client ought not to be too scrupulously weighed, and are not of equal authority with the sentiments he has solemnly delivered in his place as a member of the legislature ; yet, if after the case of Mr. Fitton, Mr. Sergeant Maynard had at any time seriously argued in support of this claim of the Lords, I should not hesitate in pronouncing him guilty of a prostitution of his great abilities in support of a doctrine destructive of the liberties of the subject. But the speech cited by the Lord Chief Justice was never spoken by Mr. Sergeant Maynard. It is the speech of the Solicitor-General, Mr. Winnington, and by some unaccountable mistake, was, in the hurry of giving judgment, erroneously attributed by Lord Kenyon to Mr. Sergeant Maynard. But how does it prove the validity of Mr. Flower's commitment ? Every argument must be understood with relation to the subject matter to which it refers. Lord Shaftesbury was committed by the House of Lords for a contempt in Parliament during the sitting of Parliament. It may be perfectly true, that a Peer thus circumstanced, cannot be enlarged by the courts of law ; but it by no means follows, that a commoner is not entitled to his discharge from a commitment by the Lords for an offence done out of Parliament, and triable at law. And this very distinction was taken in this case of Lord Shaftesbury, by the Solicitor-General, Mr. Winnington, by Mr. Sergeant Maynard, by all the counsel who argued on either side, and finally by the Judges when they gave their judgment.

* Bro. Abridg. 42, tit. Parliament, and the Year-book of that date.

' On the judgment given by Mr. Justice Grose, I shall make but few observations. He grounded his opinion entirely on what fell from the Lord Chief Justice De Grey, in the case of Brass Crosby, "a case alluded to, but of which very little was cited at the bar." Brass Crosby's was the case of a commitment by the House of Commons, of one of their own members, for disobeying an order of the House, and committing a messenger of the House for having executed the Speaker's warrant. I therefore cited little of this case, conceiving it not to apply to that of Mr. Flower, but to come under the description of cases which I had expressly excluded.

' But, "when they judge any thing to be a contempt, or a breach of privilege, their adjudication is a conviction, and their commitment in consequence is in execution; and no Court can discharge or bail a person who is in execution by the judgment of another Court. If a commitment by the House of Lords is a commitment in execution, that is decisive."—Granted. But a commitment in execution, like every other commitment, must have some legal foundation, otherwise it will be void, and the party detained under it will be entitled to his discharge. The question, therefore, in all such cases is, whether the offence for which the party is committed is a breach of privilege, and within the jurisdiction of the House. And this the courts of law may, and when called upon, are bound to decide. In the case of *Ashby v. White*, the House of Commons resolved, that the plaintiff, by bringing his action, had been guilty of a jurisdiction of the House, and that all solicitors and barristers employed in the prosecution of the suit, were guilty of a breach of their privileges. They prohibited any farther proceeding in the action, and committed the offenders to Newgate. But, according to my Lord Kenyon, "if either House were to send their serjeant-at-arms to arrest a counsel who was arguing a case between two individuals, or to grant an injunction to stay the proceedings in a common action, undoubtedly we (the Court of King's Bench) should pay no attention to it."*—Why? Because the offence not being a matter of privilege, and therefore not subject to the jurisdiction of the House, the commitment would be void for want of legal foundation, and the party, of course, entitled to his discharge from the execution. Is it then only when the liberty of the press is to be invaded that the trial by jury may be superseded with impunity, and that the courts of law are incompetent to decide on the validity of commitments by the Houses of Parliament? "If we are bigger than any people in the world, by being tried by juries, let us never exclude them."†

' These are the principal observations which have occurred to me on the decision of the Court. I have endeavoured to discuss the

* *Rex v. Wright*, 8 Term Rep. 296.

† Speech of Sir Thomas Clifford, on fining juries. *Grey's Debates*, vol. i. 407.

question with the manly freedom which becomes an Englishman; but without deviating from that respect which is due from me to the judgment of the Court, and to the learned Judges who preside in it. I hope the inquiry has been dispassionate on my part. Want of temper will disgrace the best cause, and take from the weight of the most sterling arguments. I have been anxious to avoid this fault, mindful of Montesquieu's admirable answer to the reproach of having praised the genius of Bayle, without sufficiently reprobating the pernicious tendency of his doctrines.—“ J'ai remarqué que les declamations des hommes furieux ne font guerre d'impression que sur ceux qui sont furieux eux-mêmes. La plupart des lecteurs sont des gens modérés : on ne prend guerre un livre que lorsqu'on est de sang-froid ; les gens raisonnables aimant les raisons. Quand l'auteur auroit dit mille injures à Bayle, il n'en seroit résulté, ni que Bayle eût bien raisonné, ni que Bayle, eût mal raisonné : tout ce qu'on en auroit pu conclure, auroit été que l'auteur savoit dire des injures.”*

‘HENRY CLIFFORD.

‘*Lincoln's-Inn, Dec. 25, 1799.*’

In 1806, Lord Chancellor Erskine committed a man (who was committed for a lunatic) and his wife to the Fleet Prison, and dismissed him from his office of Committee, for a constructive contempt of himself, in writing an animadversion on the conduct of one Jones, who had acted in the management of the affairs of the lunatic under orders made by the Lord Chancellor, in pursuance of the trusts of a will; and also in intruding into the Master's office and interrupting him. The pamphlet containing the attack on Jones was dedicated to Lord Erskine, and sent to his Lordship by the author. In pronouncing judgment, his Lordship said: ‘The case of *Roach v. Garvan*,† and another there mentioned, were cases of constructive contempt, depending upon the inference of an intention to obstruct the course of justice. In *this* instance, that is not left to conjecture; and whatever may be said as to a constructive contempt through the medium of a libel against persons engaged in controversy in the Court, it never has been nor can be denied, that a publication not only with an obvious tendency, but with the design to obstruct the ordinary course of justice, is a very high contempt.’—‘It might be sufficient to say of the book itself, stripped of the dedication, that it could be published with no other intention than to obstruct the duties cast upon the petitioner, and to bring into contempt the orders that had been made. But upon the dedication this is not a constructive contempt (!) It is not left to inference. In this dedication the object is avowed, by defaming the proceedings of the Court, standing upon its rules and orders, and interesting the public prejudiced in favour of the author by her own partial representation, to procure a different species of judgment from that which would be administered in the ordinary course, and by flattering the Judge to taint the source of justice’!!

* *Defense de l'Esprit des Loix*, 2me partie. † *Atk. vol. ii. 469.*
Oriental Herald, Vol. 16. Z

TO THE MORNING STAR.

STAR of the morn, how beautiful and bright
 Thou 'rt twinkling o'er yon eastern mountain top,
 That blushes with the fires of dawning day.
 'Tis sweet to wander at this early hour,
 By lake or streamlet, while thy lucid orb,
 That gems Aurora's gold and purple flag,
 Is pictur'd on their glassy surfaces ;
 Thou sheddest from a clear unclouded sky
 A ray so liquid, tremulous, and bright,
 That—oh ! the rapture that inspires the mind
 While drinks the eye thine heavenly purity,
 Is far too much for language to define.
 Methinks I might compare thine orb, sweet star,
 To some pure tear dropp'd from an angel's eye
 While gazing on this earthly vale of tears.
 Hail, lovely star ! thou type of one who sits
 Enthroned upon his crystal seat in Heaven ;
 And with an eye whose ray can penetrate
 The heart's recess, and see what's written there,
 Looks down upon the children of this world,
 To see if any with a faith sincere,
 On him who bore without a groan or sigh
 The accumulated load of all our sins,
 Delivered up his life upon the cross,
 And sealed that work of mercy with his blood,
 By which the wounds of guilty man are healed,
 Work out with anxious fear and trembling
 Their way unto that place of happiness,
 Where nought corrupt doth dwell, but all, like thee,
 Thou lovely star, is spotless, pure, and bright.

E. V.

Chester Chronicle, Dec. 1827.

JOURNAL KEPT AT BANGKOK.

WE have been favoured with the following extracts from a Journal, kept by a gentleman who resided at Bangkok in a commercial capacity, some time after the late mission left Siam. They present a curious picture of the state of feeling prevailing at that timid and suspicious court, and afford satisfactory proofs of its disposition to adhere to the stipulations of the treaty.

The Prah-klang was employed from the 26th July to the 30th November, 1826, at Paknam and Pacclaot, repairing the forts, and mounting guns, as they were sent down from Bangkok; where they have been engaged casting them for the last twelve months, and driving piles, from the small fort in the middle of the river at Paknam, to the opposite shore, to prevent ships passing outside of it, by which they would be subject to the whole fire of the great guns from the large fort at Paknam.

The King, attended by about one hundred Princes, and men of rank, proceeded to inspect the Prah-klang's operations, and returned the same evening, seemingly highly pleased with them. There are about two hundred guns of various shapes and sizes, in the large fort at Paknam, and nearly as many at Pacclaot. The greater part of these were cast at Bangkok, and from the number already burst in trying them, (one in three,) they are fearful the rest will also burst, and are consequently extremely anxious to procure a supply of European guns. The eighteen small forts round the palace-ground at Bangkok, have no guns mounted.

On the 18th September, the brother of the Prah-klang, Pya Si Phipad, acting in his absence at Paknam, called us to witness, that the two Nacqodahs of the Surat brigs, *Hamoody* and *Naserree*, wished to dispose of their cargoes in the manner they had formerly done, from a fear of giving offence to their employers, as the new treaty, they said, had not been known to them, although, at the same time, they were sure that a saving of at least four thousands ticals each, would have been made by abiding by it, besides other advantages. Pya Si Phipad, and other Government officers then present, expressed their anxious desire to put the treaty into effect in the present instance, and made particular inquiries of us, whether any deviation at present from it would displease the Bengal Government; and so fearful were they of this being the case, that they required our signing a paper, specifying the wishes of the Nacqodahs to abide by the old treaty, which we, of course, did; and at the same time explained to them, that as the treaty had not been ratified by the Governor-General in Council, there was no necessity for putting it in force until it was. The Prah-klang was also very desirous, when

the bark *Mary Ann Sophia* arrived in December to carry us away, to get us to follow the new treaty, but as she had very little import cargo, and the duty on the export one had been previously settled, it would not have suited us to have gone by it.

It is a common saying at Bangkok, when the Nacqodah of a Surat vessel arrives, that he will be sure, before he leaves, to bewail the hard treatment which he has experienced; but during the last year they enjoyed greater privileges, and though not quite satisfied in departing, yet sufficiently so not to shed tears. From what was remarked last year, with regard to the trade with the Surat vessels, and indeed experienced in many instances, after the departure of Captain Burney, there is every reason to believe, that a British merchant arriving with a cargo of suitable goods for the Siam market, would be allowed to dispose of them without undergoing those difficulties, to which he would have been so much subject before, in being compelled to sell to, and purchase from the Government; yet it cannot be expected that all their ancient customs, so long and strictly adhered to, should be relinquished at once. Time and better intercourse may effect a change, and then we may enjoy similar privileges as the Chinese, in being allowed to go up the country to purchase goods. These people carry on a very lucrative trade from many parts of China and Hainan, and as the shop-keepers are generally a very honest, well disposed set of people, there is no doubt, when their fear of us begin to abate, for at present they actually consider us little better than pirates, that three or four vessels might be annually employed with valuable cargoes, amounting to two hundred thousand ticals, with much advantage, as the taste of the Siamese for European commodities daily increases. There is no place to which a small capital might be ventured with more security than to Siam and its adjacent ports, touching at Tringano, Calantan, &c. on the way thither.

Since the accession of his present Majesty to the throne, he has abandoned the idea of trading himself, and it is only owing to the Prah-klang, and his brother, Pya Si Phipad's, ambitious views, more particularly those of the latter, that merchants have met with obstacles in the freedom of trade. A British merchant finds also the Native Christians * and Chulias very great annoyances. Of the

* These people, with the exception of five or six, are all very poor, and support themselves entirely by fishing; and whatever they do not use is sold to purchase rice, which is very plentiful and cheap. The Siamese themselves have no aversion to any one differing from them in religion, and the Court is formed of Chinese, Malays, Chulias, Bengalees, Christians, Cochin Chinese, Laos, &c., and many of them hold very high employments, and are very much beloved. I know several Chinese at Bangkok, who have become Siamese, and cut their tails off. The Chinese, immediately after their arrival, adopt the manners of the Siamese, and burn their dead. Upwards of two thousand Chinese annually arrive from Fokien and Hainan, and a very few from Canton.

former, there are one thousand, and those have been always known to be the dirtiest, laziest, and most unconscionable villains, uniting chicanery with prevarication, and to deal with whom the British merchant finds all his care and attention extremely requisite. They are so much attached to the Government, that they withhold all information which they may in any way consider detrimental to it. The greatest hatred of us prevails likewise amongst the other class (Chulias) from motives of religion, and they take great delight in doing us all the mischief they can; the most of them are employed under the Government, and as shop-keepers.

'The Siamese eat indiscriminately all kind of food used by Europeans. The Prah-klang's family frequently dined with us, and conducted themselves extremely well.

It is only by great perseverance and patience that a British merchant, visiting Siam, can overcome the obstacles in trade, for the Siamese delight in dallying to gain advantages, and put a person off his guard; and if he is of a hasty and irritable disposition, and make use of any abusive or insulting language, or offer to strike any of them, they will immediately go away, and put a stop to business for several days; but by firmness and forbearance he will finally succeed.

The result of the Burmese war has made a total revolution in their ideas of the British power, which, from the reports of the junks from Penang and Singapore, they have hitherto considered as very trifling. The conclusion of the treaty has ensured their respect for the British Government, to please which, appears at present to be a very great object with them. After Captain Burney's departure, their fear of the appearance of British troops was so great, that all attempts to quiet them were unsuccessful. Their belief in astrology only adds to their timid fears, as they say it is decreed and written in their books that the English will conquer Siam, and they think that it will ultimately be the case. It was reported after the departure of the Mission, that a letter had been suspended to a tree on the frontiers by some Peguers, warning them that the British had resolved on invading the country immediately, and the masters of the Penang and Singapore junks arriving at the same time this communication reached Bangkok, confirmed the report, by stating that a hostile fleet was ready to sail from Singapore to attack them. This caused the greatest confusion, for they are naturally so credulous, that the Chinese take great delight in relating the most ridiculous stories, which gain immediate belief,—a circumstance which these crafty people turn to good account, by commanding privileges they would otherwise find unattainable, as well as with a view of inculcating a bad spirit in the Siamese against us, of whom they are extremely jealous, and think we encroach too much upon their trade. Any favourable mention of us would not be credited. Their minds have been so long biassed by false reports, that to attempt to con-

tradict them, would be useless. A stranger, on his arrival, is immediately questioned about the English. If his reply is in their favour, he is told, with apparent displeasure, by the Government officers, that he is a friend to the English.

On asking the Siamese what they would do, if attacked, they replied, that they would all run up the country; and such would probably be the case from their cowardly disposition. It is very common to observe one Burman beat off three or four Siamese, both on the river and on the shore, and take what fish, rice, &c. he wants, which the Burmese captives are allowed to do to a certain extent. They levy a contribution of a few cowries from each person's boat, to which the Siamese as well as Chinese are invariably obliged to submit. These poor creatures are kept in heavy irons, and constantly employed in ditching, building, sawing timber, brick-making, &c. and are badly fed; their appearance is consequently miserable.

So great an effect has the Burman war produced on the minds of the Siamese, that since the middle of August 1826, three war-boats, commanded by Native pilots, were ordered to cruise outside the bar, and report the arrival of all ships before they passed, and the injunctions were so strict, that any negligence only led to the decapitation of the pilots. On our departure from the country, we still left them cruising.

About two months after the departure of the Mission, we found it necessary to make sundry presents to the Prah-klang, his brother, Pya Si Phipad, and the second Prah-klang, to regain their good will, which the presence of the Mission had somewhat abated. This induced them to assist us in the disposal of our stock of goods.

The catin, or great holidays, commence at the new moon in October, and last a few days, during which time the King appears six or seven days in visiting the pagodas, and the forts at Paknam and Pacclaat. The King, however, intends reducing the number of days devoted to this festival, as he thinks them too great a waste of time, which might be usefully employed in the administration of Government, and in active employment.

On the 4th of November information was brought by several people, of the Siamese having partly filled up the river at the mouth of the Mecklong, leaving but a small space, sufficient to admit vessels only drawing ten feet water, and that they entertained some idea of doing something with the bar at Paknam, to prevent large ships getting over.

On the 11th November, three small junks arrived from Cochin-China, with cargoes of sundries, and letters from that Government, to assist the person in charge in the disposal of his goods. The principal, attended by the masters of the other two junks, and twelve followers, proceeded to wait upon the Prah-klang; but before they had passed the outer gate of his dwelling-house, were stopped and

detained there for twenty minutes, until a message from his Excellency told them that he could not see them that night. They returned seemingly displeased, but without expressing their disappointment. The circumstance is worthy of notice, as refuting an idle rumour, originating wholly with this trading speculation, that a Mission had arrived to claim assistance from the Siamese to quell a rebellion in Cochin China, intended to raise another King to the throne of that country.

The King has, within the last eight or ten months, erected an extensive shed, covered with tiles, about a mile up the Bezar river, nearly opposite the Prah-klang's house, in which 136 war-boats, 60 feet long, 7 feet broad in the middle, and $3\frac{1}{2}$ feet at the stem and stern, and capable of carrying about thirty men, were lodged. A similar shed has been erected a very little distance in-shore, at Bangkok Nai river, nearly opposite the palace, a quarter of a mile up, with 100 boats of the above description. Immediately above the palace, and on the same side with it, the Government have constructed smaller, but similar sheds to the above, along the banks of the river. Several public buildings were also erecting by the palace, one of which was built a good deal after the English style. The King has issued orders, that all the small buildings, principally occupied by petty shop-keepers, &c. near the palace, should be immediately pulled down, and that no person should in future build there who could not afford to erect a handsome edifice.

On the 16th March 1827, a large fire broke out near the palace, by which upwards of 500 houses were destroyed, amongst which was one of the palaces of a brother of his present Majesty. The Prince, by this accident, sustained a considerable loss; but, as customary in the country, numerous presents were sent to him from all quarters, and it is thought that he, like many others who have suffered in this way, will be enriched by his misfortunes.

Another very large fire, on the 19th March, occurred at his Majesty's magazines, in the Bezar river, from a man having taken a light with him into the building, which occasioned the accident. It caused an immense explosion, and it is probable that not less than one thousand houses, on both sides of the narrow river, must have been burnt down. The King, second King, and Princes, with an immense crowd, came to the spot, the former to render what assistance they could, but, as in similar cases, more confusion than regularity prevailed, and nothing was done of any consequence. Thia Phipad, second Prah-klang, and one of the best men in the country, had his house completely levelled with the ground, and lost a little boy at the same time, but saved all his money, which was said to be very considerable,

When we left Bangkok, we did not hear of any Burmese subjects of the British Government having been brought prisoners to that place, and it is likely that they will not now renew a system so ini-

mical to their own interests, particularly under the dread which they entertain of the British power.

The annual revenue of Siam is estimated at two and a half millions of ticals, which is disbursed in the payment of Government servants, and maintaining the Princes, said to be altogether about two thousand, leaving but little in the treasury, in which, it is said, the sum of one lac of ticals has never been exceeded. The expenses incurred in the erection of pagodas, public edifices, &c. are paid by contributions levied on the inhabitants, each according to his circumstances. A present sent by Messrs. Morgan, Hunter and Co. to his Majesty, of a quantity of iron railing, was in consequence refused, although highly approved, knowing they would be obliged to make a suitable return. They, therefore, purchased it by the contributions of the people, each paying, as above, from five to forty peculs of sugar. Every merchant and shop-keeper is obliged to contribute towards the object for which the others are taxed.

One of the principal people possessing twenty thousand, and a shop-keeper ten thousand ticals, would be considered rich. The Prah-klang, and his brother, Pya Si Phipad, are amongst the richest in the country.

The interest of money in Siam is equal to 33 per cent. per annum.

A report got afloat after Captain Burney's departure, that the Governor of Prince of Wales's island had seized upon Queda, which created great alarm at Bangkok. This was owing to the report of the master of a Chinese junk, who said that an expedition was preparing to start from Penang when he left.

A merchant visiting Bangkok ought never to inform the Government, or any other person, what description of goods he wants, but content himself with gradually purchasing what he really wants, as opportunities offer. This measure will not only prevent the price being raised, but keep the Government officers from compelling him to purchase from themselves, even if they wished it, by desiring the shop-keepers, &c. not to sell the description of goods he wants under a certain price.

The Siamese are a most contented and quiet race of people, and seldom ever quarrel or fight, and the climate being extremely fine, they all enjoy most excellent health. They are also very honest, and, during a stay amongst them of nearly three years, few instances occurred of theft. They are, however, greatly given to lying, and their mean low cunning is beyond all description. One trait in their character is, their extreme fondness for their children, to whose education they pay particular attention; and there are but few amongst the coolies who cannot read and write, while most are even qualified to hold the highest appointments in the country. The lower orders are better and more civil than those of higher rank. All pay the greatest respect to the aged, and do not require so much homage from them.

The Siamese had, for a length of time, wished for our departure, as they are utterly averse to the residence of any English amongst them, from the idea that they would report whatever occurred : therefore, when they heard that we were on the point of leaving, they appeared evidently very glad ; but as they wished to part with us on good terms, their conduct was extremely kind and civil ; and even Pomat, a natural brother of the Prah-klang's, who is one of the most annoying persons about the Court, visited us frequently, and behaved very obligingly to us. Indeed, every one endeavoured to serve us as much as they could ; and on our departure we received a short complimentary letter of six lines from the Prah-klang to the house of Messrs. Morgans, Hunter and Co. at Singapore, which occupied him, and all his department three days to compose, and was afterwards submitted to his Majesty, and the other Ministers, before it was sent to us. This is only noticed here, to give an idea of their alacrity in transacting business. There can be little doubt, though we did all in our power to gain their good feelings during the time we remained in the country, that they will never suffer any British subjects to live entirely among them again. Before we left the Prah-klang, he expressed a desire to obtain some Burmese religious books, for which he was going to send to Tavay or Martaban. The priests were then engaged in a new translation of their sacred books to present to his Majesty.

The Siamese have been casting a brass gun of eighty peculs, which had occupied, when we left, nearly two thousand men for two months, and it would take up two months more to finish it. The Princes, and most of the people of rank were, for some time, busily employed in getting bellows made for the purpose.

We touched at Tringano, on our way from Siam to Singapore, on the 1st of April last, and when we landed, found several of the principal people ready to receive us, which they did with much cordiality, and introduced us to the Sultan, who was also extremely kind. He made many inquiries respecting the conduct of the Siamese, and the treaty concluded by Captain Burney, expressing great pleasure with that part of it which related to himself and his country, and seemed anxious to know when it was the intention of the British Government to invade the country, saying, that he, as well as the Raja of Calantan, would lend his assistance with troops. We explained to him, that it was not the intention of the British Government to attack or molest the Siamese, but to be on good terms with them. A captain of a trading vessel from Calantan informed me, that similar inquiries had been made at that place, and that the Raja appeared equally displeased with the Siamese, and had said he would not in future pay any more tribute to them.

| | | | |
|----------------------|------------------|------|---------|
| In Tringano there is | Tin | 2000 | peculs. |
| | Pepper | 4000 | |

| | | |
|---------------------------|------------------|-------|
| And at Calantan | Pepper | 12000 |
|---------------------------|------------------|-------|

In accordance with a long established custom at Siam, the King

ordered the Prah-klang to see that all who owed us debts should pay them before we left, that his own should also be discharged, and that an allowance should be made to us for any detention we might experience on this account.

The Siamese, from the dread of a rebellion, will not keep up a standing army, but raise conscripts in the event of a war.

It is very difficult to ascertain the population of Siam, but it is said to amount to about five millions, under the following distribution: Siamese, Laos, &c, three and a half millions; Chinese, one and a half millions throughout the whole kingdom. At Bangkok alone, there are 100,000, but the greater part are Chinese.

It were unnecessary to add any thing more respecting a place already so well known as Siam.—*Government Gazette.*

Lines Addressed to THOMAS MOORE, ON HIS VISITING IRELAND.

HAIL, Bard of the heart, to the hills and the plains,
That proudly re-echo, in favour and fame,
The sounds of thy harp, as the fire of its strains
Has fann'd in our bosoms a freedom-lit flame.
Yes, warm and impassion'd, our welcome for thee,
As thine own Island melody flows from the heart,
Inspired by thy presence, we think we are free,
For tyranny trembles wherever thou art.

Though round us the tide of adversity rolls,
Though, wooing sweet peace, we are follow'd by hate,
With the spirit of Freedom infused through our souls,
We frown at our rulers, and 'conquer our fate ;'
For like a fair vision, in which we reveal
The raptures of youth as they bless'd us before,
Thy harp, with enchantment, has taught us to feel
What Erin had been in her glory of yore.

Though Statesmen make pledges, and monarchs give laws,
Yet if these but serve still to enshackle the mind,
We can scorn them as men, while we worship the cause
Of Freedom, wherever it blesses mankind.
But while we are bending to promise and pow'r,
Reflecting on rights and submitting to wrongs,
Thy harp is our hope through each wearisome hour,
And our Charter of glory and greatness, thy songs.

H. C.

**IMPOLICY OF SLAVERY—EAST INDIAN MONOPOLY, AND
WEST INDIAN PRIVILEGES.**

THE slaves in the West Indies are degradingly driven like cattle by the whip at their labour, which, for nearly half the year, lasts for one half the night, as well as the whole day. They are held as property, and often branded as such with a hot iron. They are sold at the will of their master, and the nearest ties in life are thus rent asunder. They are liable, whether male or female, to be exposed and degradingly punished by the meanest driver. They are compelled to work on the Sabbath for their own subsistence. They are denied the advantages of religious instruction, or the marriage tie. The most unrestrained licentiousness prevails amongst them, and is exhibited in a degrading, disgusting, and depopulating promiscuous intercourse, encouraged by the debaucheries of the whites. They can hold no property; their evidence is not received, and hence laws for their protection are but a mockery. The reader will be ready to exclaim, surely there must be some great and palpable gain arising from the system, to induce its maintenance for a single hour! But what will be his astonishment to find, that instead of gain, it is attended with great and enormous loss; that such is its inherent impolicy, that if it had not been supported and protected by bounties and prohibitions, it would long since have been ameliorated, and finally have fallen.

The protecting bounties and prohibitions mostly apply to sugar, which is the chief production of our West India colonies. They are—

I. A bounty which is paid on the exportation of refined sugar, and which raises the price of all sugar in the home market about 6s. per cwt. above its natural price.

II. A high duty, 10s. per cwt. above what is paid from the West Indies, imposed on sugar the produce of the British dominions in India.

III. Prohibitory duties on sugar grown in all other parts of the world.

Thus we see the cruel system pursued in the British West Indies requires to be supported by a bounty, paid by the people of England, and to be protected, not only from the competition of the produce of free labour, but also from that of milder systems of slave labour. The evils of these prohibiting systems, imposed for the protection of the slave cultivation of the West Indies, do not end there; they cramp the commerce and bind down the energies of this country; to the general prosperity of which there are *two* exceptions—the West Indies and Ireland. In its general high character

there are two dark stains—the slavery of the West Indies, and the condition of the population of Ireland! The same chains which were forged to secure the bondage of the slaves, also bind down the energies and prevent the prosperity of Ireland! The same remedy will relieve them both! They need no other cure than the general remonstrance of the people of England against the sacrifices they are compelled to make to keep both these evils in existence.

The unrestricted commerce of the world, and the competition of free labour, would introduce improved systems into our West India colonies; would gradually improve the treatment of the slaves, and finally extinguish slavery itself; when these colonies, enjoying their natural advantages, need not fear the competition of any other country.

The unrestricted commerce of the world would give employment to Ireland; her population would then exchange idleness and rags for industry and comfort; her fine streams, now wasting their powers, would give motion to numerous manufactories; her grain and provisions, now compelled to seek a market in other countries, would then find ample demand amongst her own improved population.

Injustice and cruelty may, in some cases, flourish for a time; but the present state of slavery is a clear illustration of the position, that an all-wise Creator has made it the interest of every man to do right; that whatever is contrary to justice and humanity, must be equally contrary to sound policy; that interest and duty are indissolubly bound together. But admitting these positions in the abstract, there are many well-meaning, though mistaken advocates of the oppressed sons of Africa, who, in practice, attempt to separate them. They are so desirous that their motives for the removal of enormous evils should be pure, and unmixed with every other consideration, that they continue, without remonstrance, to contribute, by means of the bounty on sugar cultivated by slaves, towards the expense of maintaining and supporting those enormities which they condemn and deplore.

It is of great importance that this part of the question should be rightly understood, before any facts illustrative of the impolicy of slavery, or any arguments drawn from them can be availing; for so long as the advocates of justice and humanity make a voluntary sacrifice of their own interest, and thereby enable others to do wrong, whose interest God has made it to do right; so long as they make sacrifices which tend to obstruct the progress of improvement, and to counteract the decrees of heaven; it is to be feared that their conduct will have a more powerful effect than their words. Whilst benevolent men are the advocates of such a course, how can we wonder that the short-sighted policy of individuals, or of nations, should reject, in the pursuit of their interest, all considerations of benevolence and humanity! What infatuation could have intro-

duced into the minds of the Europeans, the destruction of the native inhabitants of the West Indies, in order to re-people those islands, at an enormous expense, from the coast of Africa? And what infatuation must it have been that would reject sugar, if produced by the labour of the African on his native soil; and at the same time give a bounty on the produce of his labour, when converted into a slave, and forced to cultivate the exhausted soils of our West India islands! Such is truly the state of things; for, after condemning and abolishing the African slave trade, we are still supporting, with enormous pecuniary sacrifices, the remnant of our wickedness and folly!

Had commerce been carried on with enlarged and enlightened views of self-interest, and especially if united with motives of benevolence and humanity, how would knowledge and civilization have marked the steps of Europeans, and have been extended from the coasts to the interior of Africa! Instead of which, we have spread barbarism and desolation on her coasts, and thereby formed an impenetrable barrier to our intercourse with the more civilized interior! Had these views and these motives characterized our intercourse with India, how would darkness, ignorance, and idolatry, have been disappearing amongst her vast population! Had we promoted an intercourse by the exchange of those things which would have spread mutual benefit and comfort: with Africa, instead of exchanging 'powder, ball, and brandy,' (instruments of destruction,) on the one hand, for 'men, women, and children,' and by them introducing a deadly, poisonous, cramping, and enervating system on the other: with India, instead of extracting an enormous revenue by means of oppressive taxation;* then might we, at this day, have been exchanging the produce of a vastly extended manufacturing industry, for the cheap productions of voluntary labour on the fertile soils of Africa and India.

Let us look at the map of the world. We know that sugar can be produced, at least, thirty degrees on each side the equator; we know also, that an acre of good land, in those climates, will produce as many pounds of sugar as our land does of wheat; and that, if it were not for the duty, sugar might be nearly as cheap and as plentiful as wheat. Who, then, can sufficiently condemn a policy which, holding in chains of bondage 700,000 of our fellow-beings, and which, for the sake of upholding this oppressive and wicked system, confines us to a few little islands for our supply of one of the most valuable and important of all foreign productions? Who can sufficiently condemn a policy which, for the sake of furnishing to these poor miserable beings the few things with which their masters may choose

* Salt is a monopoly of the Company, and sold at about 12*l.* per ton; which, in proportion to the wages of labour, is at least four times as heavy a tax as that from which this country has lately been relieved.

to supply them, restricts and sacrifices a natural commerce, with tens, nay hundreds of millions in Asia, Africa, and America, whose unrestrained choice would range through the almost indefinitely varied field of our manufacturing inventions !

The rapid extension of our commerce, since its opening with South America and India, cramped and restricted as it still is, is abundantly sufficient to show what that extension might have been, under a conduct governed by liberal and enlightened views. We have seen the cotton trade not only giving full employment to the population of the districts in England where it is now carried on ; but, since the removal of some absurd regulations in the last session of Parliament, some branches of this trade are extending to Ireland, and presenting the best means of improving and raising her depressed population ! Had we employed the means within our own power of diffusing employment, civilization, and comfort, over the regions of Asia, Africa, and America, we should long since have received, in return, employment and comfort for the suffering and depressed, though generous-minded population of Ireland !

Slavery being a forced and unnatural state of society, can only exist with high prices of produce, and becomes gradually extinguished in a competition with free labour. Thus we see it gradually diminishing in the northern parts of the United States, where there is the greatest competition of free labour, and where slave labour is of least value ; and, on the contrary, in those States, as we proceed southward, where there is less competition of free labour, and its profits increase, there we see it in its worst form ; for, in proportion to the prices of produce, or the profits of the system, are its oppressions. The colonies of Spain and Portugal have been compelled to support themselves ; they have neither had bounties on their produce, nor the expenses of a standing army paid by the mother country. Their system of treatment is more mild ; they encourage emancipation, and have vast numbers of free labourers ; * and these are the countries which are underselling the British sugar planters in all the markets of Europe.

With prices of produce sometimes so low as not to pay for the importation of slaves, the slave population of the United States is augmented, by natural increase, about 125 per cent. in thirty years ; whilst, with prices comparatively high, and with additions by importation, during the same period, of 188,785 slaves, the slave population of the island of Jamaica has only increased from 250,000 to 345,252, showing, when compared with the United States, a destruction or waste of human life, or a counteraction of its tendency to increase of 400,000 in the short period of thirty years. And this is the country which, thirty years ago, only pro-

* Free men are variously employed : they sometimes, though not often, perform field labour.

duced one-tenth part of the cotton which was then produced in the island of Jamaica, and which now produces nearly one thousand times the quantity it then did ; whilst its culture in Jamaica has been nearly abandoned !

That a system which destroys the lives of 400,000 human beings in one island in thirty years, is desperately wicked, whether it yields profit or loss, there can be no question ; but if these lives would have been worth 50*l.* each, and nearly half of them have actually been replaced by purchase, the pecuniary sacrifice to the country is no less than twenty millions in this one island, and that being only one-half of the West India colonies, would make the whole forty millions, which, at six per cent. interest, would make 2,400,000*l.* per annum, or 15*s.* per cwt. on 160,000 tons of sugar !! No wonder that the West Indians should feel the enormous expenses of these cruelties press too heavily upon them ! No wonder that the share the country has borne of the expenses of these cruelties is felt to be insufficient ; and that they have lately sought for further protection, declaring, that without it they should be ruined ! And so they will, by the operation of the general laws, ordained by a just and wise Providence, if they continue to adhere to a system which is ruinous, and which must fall.

If the disadvantages of one system of slavery, as compared with another system of slavery, are so obvious, how much more striking must be the comparative advantages of free labour ! We have seen that the cultivation of indigo by free labour in the East Indies, has almost wholly superseded its cultivation by slaves in the Western world ; and this was the only article which could bear the high charges of conveyances to Europe during the monopoly of the East India Company. If the obstructions to our commerce with India were removed, similar success would, doubtless, attend the culture of sugar and cotton. It is useless, however, to pursue a subject which has been so completely established, that all controversy upon it must now be for ever at rest ; and referring the reader to Hodgson's Letter to Say, we shall only just state, that the experiment of gradually raising slaves to the rank of free men, has been most successfully tried in the British West Indies by Joshua Steel. By the substitution of hope of reward for force and fear, by treating his slaves as human beings, this benevolent individual stopped the gradual decrease in numbers ; and, after following this system for the short period of only four years and three months, he had tripled the annual net produce of his estate.

Amongst all the obvious disadvantages of slave labour, there is none more extraordinary than its tendency to deteriorate the soil. To those who are at all acquainted with the slave cultivation, either of the United States or of the West Indies, the fact is so well known, and so universally admitted, as to make any proofs unnecessary. Wherever slaves are used, the master never thinks of

sparing them; he has recourse to their sinews for every thing; cattle are seldom introduced, and hence slave countries are behind all others in agricultural improvements. Our own soils would wear out if constantly cultivated, even with wheat, with barley, or with oats. But happily the people of England are not slaves!—they eat beef and mutton, they wear woollen cloth, and leather shoes. A demand for these articles promotes the introduction of cattle, and of green crops, which manure and preserve the fertility of the soil.

The inadequate feeding and clothing of the slaves, which, as stated above, is intimately connected with the deterioration of the soil, has also other disadvantages. By the amelioration law of Antigua, the planters are only compelled to give to their slaves nine pints each of Indian corn weekly; they are allowed about five herrings per week, and many of them, no doubt, a greater quantity of corn; but why was such a law passed if some did not give them less? And what must we say of a community which would pass an amelioration law, and leave the allowance so lamentably deficient,—not half of many of our prison allowances, nor half as much as the slaves are allowed in some parts of the United States! At what price can we expect to obtain our sugar, when we attempt to extract labour by the lash from such half-fed beings? What sort of customers to us can these poor wretches be, whose clothing only costs 15s. 6d. annually; whose allowance of fish is only about five herrings per week, and of beef 6lb. annually?

Low prices of produce compel the adoption of the best and most economical systems; and improved treatment of slaves will stand foremost amongst them; low prices of produce have generally been beneficial to the slaves, whilst high prices have as generally been injurious to them. High prices alone have supported the destructive system which has kept slavery in existence, for slavery can only exist where the population is in a ratio greatly below the demand for labour. In Jamaica, we have seen that the population has been kept down, and slavery has been kept up, by the destructive system which has prevailed there; were the population as great in proportion as that of England, there could exist no temptation to maintain it. Who, indeed, in this country, would ever think of holding men in slavery with a hope of profit? And what but the waste of human life which has taken place in the West Indies, has prevented a gradual approach to such a state of things there? How could such a change occasion any loss to the planters? Wherever slavery exists, land is of little value. We seldom hear a planter speak of the number of his acres, but of the number of his slaves. In the United States, land of a worse quality, and more unfavourably situated, if cultivated by free men, is worth more than double the price of better land, in a better situation, in the same district, when the land is cultivated by slaves.

An increase in the supply of men, as of any article, makes them

bear a less price, until at length they become worth nothing as saleable property ; but this is no loss to their master, for, by industry and good management, he will have a great increase of produce, and probably of income ; but even if his income remains the same, it will have the stability of landed income, instead of the unjust and uncertain tenure of property in the persons and lives of his fellow men. The continuance of such a system of oppression, of wickedness, of impolicy, and of folly, is almost incredible in this enlightened age of the world ; surely it will be said, such a system must fall by its own weight ; and so indeed it would, if it were left to itself. But we have not left it to itself ; we are already paying in bounty to keep up the prices of sugar, and in establishments and armies to keep the slaves in subjection, no less a sum than two millions annually ! All this, we are distinctly told by the planter, is not sufficient. Three millions more must be given to afford even moderate remuneration, which altogether would make an expense to the country of seven pounds annually for every slave held in bondage.

Great as this pecuniary sacrifice is, it is not all that we are called upon to make ; we are called upon to support a system, the effects of which have ever been to hinder the progress of improvement, and to spread barbarism in its stead ; a system every where marked by the destruction of the very soil, and of every virtuous and moral feeling, no less in the master than in the slave. We are called upon to bind down the energies of the country, and to exclude that competition which would certainly destroy this wretched system ; to reject, when within our power, the means of giving employment, knowledge, and civilization to our numerous fellow-subjects in India, and of receiving, in return, employment for the people of Ireland.

If this great and glorious change from slavery to freedom was attended both with danger and with loss, who would even then be found to advocate the continuance of slavery ? But when it has been proved to be safe, easy, and profitable, let us all unite to destroy the monster ; and if, contrary to all reason and probability, any human being can show that he has been injured, let his claim be fairly and justly, nay, liberally considered ; through all let us remember to act on the immutable principles of justice. We see the deplorable effects of attempting to separate what God has indissolubly joined ; the rejection of all motives of humanity and benevolence from commercial transactions, rends the poor African from his native soil ; the rejection of all commercial considerations or motives of policy, from acts of benevolence and humanity, leads his well-meaning, though mistaken advocates, to pay without remonstrance the bounty which enables his oppressor still to hold him in bondage ! Do not these things call for investigation ; and can any individual, who feels an interest in the prosperity of his country, or in the happiness of his fellow-creatures, refuse to examine whether they are true ? When the facts of the case are laid before

the country, it will remain for it to choose its course ; and if that choice shall be voluntarily to tax itself with the expense of supporting these enormous evils, who that believes in the existence of a just and all-powerful God, will not tremble for its fate !!

Remarks on the probable extension of our Commerce.

The object of commerce being to make those exchanges of the products of manufacturing or agricultural industry, which difference of climate, soil, or other circumstances renders advantageous ; such exchange will be most extensive and beneficial between countries where those are most varied.

Sugar and cotton being the great productions of warm climates, must consequently be the great objects of the foreign commerce of Great Britain.

The people of this country or Ireland have no disinclination to consume sugar if they can obtain it ; it is estimated, that many individuals do consume 80lb. per annum, being about five times as much as our average consumption for each individual in the British Empire. If the duties on sugar were reduced as the consumption increased, the revenue would sustain no loss. If the consumption was four times as great, the rate of duty might be reduced to one-fourth ; and then, with a free trade, we might have brown sugar at 3d. per pound.

No objection anywhere exists on the part of the people to the use of British manufactures, which are, with little exception, cheaper than those of any other country ; and it is shown, in the Report of the Liverpool East India Association, that if the duty on sugar was removed, a Native of India would be able to procure five pieces of calico in return for the sugar which his labour, if applied to its cultivation, would produce in the time which would be occupied in manufacturing one piece of such calico ; but the high duty on the sugar to be received in payment prevents the sale of the goods as effectually as a duty laid on their export. The population of England, and especially that of the cotton districts, is now generally well employed. And Great Britain having about double the population of Ireland, it is fair to calculate, that one-half more added to our present foreign commerce, would be sufficient to give employment to Ireland.

The probability of obtaining such increase may be judged by the following facts :

I. The consumption of cotton in Great Britain is about 160,000,000 of pounds annually.

II. If one-half that quantity is consumed at home, it will be 4lb. for every individual ; and no one who has seen much of the poor in England, and more especially of Ireland, will contend that even all our population are sufficiently clothed.

III. If the population of the whole world is estimated at 900,000,000, and if their habits were improved so as to enable them to consume as much as the population of the British dominions, it would amount to about twenty-three times the extent of our present manufactures ; but it is by no means necessary to look to such an increase, as one-hundredth part of it would answer our present purpose.

IV. If the population of our Eastern dominions took from us half-a-pound weight each of cotton goods, being only one-eighth part of the rate of consumption in Great Britain, it would be enough to give ample employment to Ireland.

It may truly be remarked, that the crimes and devastations of ages cannot be repaired at once, and that ages may still elapse before Africa is restored to the state in which European commerce found her ; though this may be true, it is no argument against making a beginning. In conclusion, we may say, that our commerce with China is still restricted by the Company's charter ; with India, by absurd regulations, which prevent Englishmen settling there ; and, until lately, with South America, by its being under the dominion of Spain and Portugal. *But the greatest of all obstructions to the extension of our commerce, are the effects of the devastation made to procure slaves on the coast of Africa ; and the sacrifices we are now making to support the system of slave cultivation in the West Indies !!!*

SONNET ON THE DEATH OF TOUSSAINT L'OUVERTURE.

His weary warfare done, his woes forgot,
 Freedom ! thy son, oppress'd so long, is free :
 He seeks the realms where tyranny is not,
 And those shall hail him who have died for thee !
 Immortal TELL ! receive a soul like thine,
 Who scorn'd obedience to usurp'd command :
 Who rose a giant from a sphere indign,
 To tear the rod from proud oppression's hand.
 Alas ! no victor-wreaths enzon'd his brow,
 But freedom long his hapless fate shall mourn ;
 Her holy tears shall nurse the laurel-bough,
 Whose green leaves grace his consecrated urn.
 Nursed by these tears, that bough shall rise sublime,
 And bloom triumphant 'mid the wrecks of time !

T. GENT.

INJUSTICE TO THE MADRAS ARMY—FEES ON COMMISSIONS THRICE PAID.

To the Editor of the Oriental Herald.

Hyderabad, July 1, 1827.

SIR,—Three or four years ago, I wrote to you concerning the ruinous expense of the dress of the officers of the Madras Army, and as that communication was attended to, and your exertions in prevention of the recurrence of a similar evil successful, I again trouble you. By the way, I may observe, that the Madras Government has never published the order of the Court of Directors, forbidding future changes of the dress of European officers 'without the previous sanction of the Court,' and that my first knowledge of it came from a *copy* of the order, (which is stated to be applicable to all the Presidencies,) in a letter by the Court directed to the Bombay Government, and by it published.

The first subject which I bring to your present notice is the fees upon military commissions. By the existing orders of the Madras Government, any officer who may obtain above *one month's* back rank, is obliged anew to pay for his commission in the Company's, though not in the King's service; for the King's commission is antedated without any additional fee. For example:

1st Infantry.—Captain A. dies at Madras on the 4th April: Senior Lieutenant Z., the Senior Ensign promoted to the rank of Lieutenant, and the Cadet posted to the corps as Ensign by the casualty, pay severally for a Company's commission. Subsequently, official accounts are received of the death of Captain B. of the same corps, at the Isle of France, on the 3d March: Z., and the other officers, respectively obtaining an antedate to their rank, pay a second time for a Company's commission. Captain C. (it afterwards appears) died at the Cape of Good Hope on the 2d February. All pay a third time for a Company's commission. The retirement of Captain D. on the 1st January, in Europe, gives birth to a fourth payment. This is not a case of mere possibility, but one of every-day occurrence. I myself paid for three commissions of the same rank upon entering the service, though I gained no pecuniary, and, I may say, no advantage whatever by my back rank. It frequently happens that the promotion of an officer, with two dates to his rank, appears in the same general orders; an ingenious contrivance to put an additional fee into the pocket of the Military Secretary to Government, the person officially announced to be entitled to the profits of this licensed extortion. At Calcutta and Bombay, a commission of each rank, Company's and King's, is only *once* paid for.

'The subject's grief comes through commissions which compel from each man the sixth part of his substance, to be levied without delay.'—*Hen. VIII.*

'Is there a precedent for this commission? I believe not any.'—*Hen. VIII.*

The next point I bring to your notice is the payment of the subsidiary troops of his Highness the Nizam. They are paid in Chalony or Nizam's rupees, at the regulated exchange of 111 Chalony rupees for 100 Company's or Arcot rupees. This regulation, framed about twenty years ago, was doubtless then fair and equitable. Since that period, however, owing to bad government, the Nizam's rupee has been gradually deteriorated; so that, at present, the real value of the Nizam's rupee is at least 10 per cent. below the standard value. Arcot rupees will always secure, from the money-changers of Hyderabad, 7 or 8 per cent. beyond the regulated exchange. The money-changer has afterwards to make his own profit. No one ever heard of a coin exceeding in real value its standard value, and therefore the difference given by the money-changer must arise from the debasement of the Nizam's rupee. It is not that the Arcot rupee is intrinsically more valuable than it was twenty years ago, but that the Nizam's rupee is less so, to an amount beyond the difference given by the money-changer. But to put the fact beyond all doubt, the Nizam's rupee was assayed about five or six years ago, by order of Mr. Elphinstone, and was then found to be deteriorated 9 per cent. below its standard value. In consequence, an order was published by the Bombay Government, that, when the troops under that Presidency were paid in Chalony rupees, they should be issued at the rate of 120 Chalony for 100 Company's rupees; therefore, if a Madras corps happened to be paid in Nizam's rupees, at the same station with a Bombay corps, the Madras corps would receive 9 per cent. less than the Bombay corps. A proposal to pass to troops in England the shilling as thirteen pence would be thought monstrous; yet the British troops under the Madras Presidency subsidized by the Nizam, are paid in a more disadvantageous proportion.

Bills upon Madras bear a *nominal* premium, varying from 2 to 8 per cent. in favour of Madras, though they are *really* at a discount. This varying difference (a difference, however, *always really* in favour of Hyderabad, though *nominally* against it) arises from the more or less facility afforded to those with the command of money of obtaining Government bills, making subscriptions to loans, &c. in Nizam's rupees at the *regulated* exchange. In Government loans neat sums seldom under 1000 rupees each, are alone taken in subscription. All who have the command of money, upon these occasions, bring their Madras bills into the market, sell them at a forfeit, purchase into the loan, sell out again at Madras or Calcutta, and repeat the operation.

It might at least be said of Robin Hood, that he robbed the rich to pay the poor; but here contributions are raised from the poor for the profit of the rich.

From the excessive difference between the regulated and the market exchange, arise moral consequences not to be overlooked.

1st. The temptation of exorbitant profit to officers in the Company's Service, civil or military, with the command of money by trafficking in the exchange. Those who are most likely to be led into evil, if not delivered from temptation, are the most exposed to it, viz. paymasters and officers of the Commissariat.

—2d. The ease with which the poorer classes of the military, the younger officers of the army, obtain ruinous advances of money. There is at this station a particularly notorious shroff or money-trader. This man willingly advances from 1000 to 1500 rupees, in Nizam's rupees, at the regulated exchange, to officers whose monthly pay does not exceed 250 rupees. He is repaid by monthly instalments, say of 100 rupees per mensem, and till the whole debt is cleared, he requires 2 per cent. per mensem for the sum due to him. He further requires that the instalments shall be paid in Government bills, at the regulated exchange. Now, taking the average difference between the regulated and market exchange to be 4 per cent., he receives 6 per cent. per mensem, or 72 per cent. per annum, *simple interest*, for all sums he advances; but taking into consideration the *compound interest* upon the interest he receives monthly, the sum becomes more excessive. Throughout the world, men living from hand to mouth are improvident, and pretty nearly follow the advice of a classical lover to his mistress :

‘ Carpe diem, quam minimum credula postero.’

Those who are in the most need have, generally speaking, the least credit; and did not the exorbitancy of the interest, open and covert, more than balance to the sowkar all risk from the death or unpunctual payment of his debtors, upon a proposed loan, however little a ‘carpe diem’ man might think of the ‘postera dies’ of payment, I venture to assert, he would not be found to be the *quam minimum credulus*.

The second evil to which I have adverted, viz. the ruinous advances to young officers by the sowkars, is much more widely extended than you will readily imagine. I have no hesitation in stating as my belief, (though, of course, it would be a matter difficult of proof,) that more than one-fourth of the junior officers of the army at this station owe money to the sowkars. I vouch, Sir, to you, personally, for the truth of the facts I have stated.

With admiration at your unwearied and unrelaxed exertions in the cause of right, I remain, with the greatest respect, your most obedient servant,

A MADRAS OFFICER.

PLAN FOR EFFECTING TRANSLATIONS OF ORIENTAL WORKS.

[The following Prospectus having been transmitted to us by Mr. William Huttman, accompanied by a request that we would make it known to the public in any way that we might consider proper, we cannot more effectually comply with this request than by giving it a place in the body of our Work.]

Prospectus of a Plan for Translating and Publishing such interesting and valuable Works on Eastern History, Science, and Belles-Lettres as are still in MS. in the Libraries of the Universities, the British Museum, and the East India House, and in other Collections, in Asia and Africa as well as in Europe; and for providing Funds to carry this object into execution.

PATRON :

His Most Excellent Majesty King George IV.

VICE-PATRONS :

His Royal Highness the Duke of Clarence.

His Royal Highness the Duke of Sussex.

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The Most Noble the Marquis of Lansdowne, Secretary of State for the Home Department.

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The Right Hon. S. R. Lushington, Governor of Madras.

Major-General Sir E. Barnes, K.C.B., Governor of Ceylon.

Major-General Sir John Malcolm, G.C.B., Governor of Bombay.

H. T. Colebrooke, Esq., Director of the Royal Asiatic Society of Great Britain and Ireland.

1. THE extensive and valuable collections of Oriental MSS. which are deposited in our public and private libraries, have long attracted the attention of the learned of this and other countries; and it has been suggested that some means, offering a reasonable prospect of success, may be devised, by which the public may be put in possession of all that is valuable in Eastern literature, and an opportunity be presented for showing that this country is not backward in contributing to the advancement of Oriental learning, in which she has long held the foremost rank. The interesting relations, moreover, in which this country stands with the East, affording as they do the best opportunities for carrying such a project into effect, and at the same time promising both to England and its Eastern possessions the most beneficial results, may be mentioned as additional motives for engaging in such an undertaking.

2. The advantages likely to be derived from a more extensive cultivation of Oriental literature in this country may be considered

as applicable to biblical criticism, ecclesiastical and general history, biography, belles-lettres, the arts and sciences, and geography.

3. With reference to biblical criticism and ecclesiastical history, we know that our Scriptures, particularly those of the Old Testament, abound in modes of expression, and allusions to customs, in many cases imperfectly understood in Europe, but still prevailing in the East. That light confessedly derived from the Arabic and other sister dialects of the Hebrew, has been thrown on the text of Scripture by the Rabbinical and other commentators, no one will deny ; yet volumes on Arabic grammar, rhetoric, and the more ancient productions of the Arabian poets, which approach most nearly in style and sentiments to some parts of the Hebrew Bible, still lie in MS. in our libraries, either entirely neglected, or at best accessible to few.

4. In the Syriac language, which approximates still nearer than the Arabic to the Hebrew in its form and modes of expression, there are in our libraries unpublished grammars and dictionaries, and even commentaries on the Scriptures, written by the Bishops and other learned members of the Oriental churches ; together with MS. works of the greatest value to divines, on ecclesiastical history and divinity, composed by the fathers of the Syrian and Arabian churches. The collection also of the late Mr. Rich, now placed in the British Museum by the liberality of Parliament, contains perhaps the most valuable MSS. of the Syriac Scriptures now in existence ; and it is of the greatest importance to biblical criticism that a collection of them should be made and published.

5. Perhaps no people possess more extensive stores of history, biography, and polite literature, than the Arabs and Persians. The accounts which their historical and biographical works contain of their own and the surrounding countries, are necessarily the only sources from which information can be obtained relative to the history of those regions, and of the extraordinary persons to whom they have given birth. Their histories of the Crusades in particular, which furnish the most authentic details on this interesting subject, will always amuse and instruct the general reader, while they furnish materials of the greatest importance to the historian. In polite literature, and especially in works of fiction, they have perhaps never been excelled, and in studying such of their works in belles-lettres as have been already printed in any European language, regret must be felt that few of these books, which are so well calculated to afford us pleasure, have been translated.

6. Whatever may be our present superiority over Asia in the arts and sciences, it cannot be uninteresting to the inquiring mind to recur to the sources from whence we derived the first elements of our knowledge. In this respect, Asia must be recognized as the elder sister and instructress of Europe ; and although the hordes of barbarians, which poured forth like a torrent from her north-western

regions, effectually extinguished the light which she at first imparted, yet we are indebted to the Mohammedan courts of Cordova, Grenada, and Seville, for its restoration, as it is to them that Europe owes the rudiments of many of her now highly cultivated arts and sciences.

7. From Asiatic works on the mathematics and medicine, perhaps much light is not now to be expected, To trace the progress of these sciences, however, under the Caliphat, when science had declined among the Greeks, cannot be uninteresting to the philosopher. And as many of the most celebrated of the Greek authors were translated into Arabic under the patronage of the court of Bagdad, it is not improbable that some long-lost Greek works may be discovered in an Arabian dress, as was the case with the treatise on Conic Sections by Apollonius Rhodius, brought to Europe by Golius, and translated by Halley.

8. From the mercantile character of the Arabs, foreign countries were explored, and commercial establishments formed by them, at an early period of their history; and it is anticipated that accounts of their travels may be discovered, not less interesting than those of Ibn Batuta, noticed by Mr. Buckhardt, and of which some specimens have been published by Kosegarten and Apetz, or of the two Mohammedans who visited India and China in the ninth century, translated and published by the learned Renaudot.

9. But while the literature of the East in general is highly worthy of our notice, that of British India has an especial claim to our regard. The possession of a more intimate acquaintance with the history, geography, statistics, laws, and usages of that portion of our empire, must be productive of good both to the governors and the governed; and to procure means for obtaining information on these subjects is one of the principal designs of this prospectus.

10. The object proposed is, to publish, free of expense to the authors, translations of the whole or parts of such works in the Oriental languages as a Committee of Orientalists already appointed shall approve. These translations are to be accompanied by the original text, and such illustrations as may be considered necessary. By the publication of the original text it is intended to multiply copies of such works as are scarce, and to furnish students at a moderate expense with correct copies of the best Asiatic works, to which they might not otherwise have access.

11. It is not intended to confine the operations of the Committee to works in the Arabic, Persian, and Syric languages; it is their intention to translate and publish standard and interesting works in Sanscrit, Chinese, Pali, Cingalese, and Burmese; in the languages of Thibet, Tartary, and Turkey; in the Malayan, and other dialects of the Eastern Archipelago; and in the numerous dialects of Hindoostan, and the southern peninsula of India.

12. It cannot be expected that the publication of Oriental texts and translations can be effected to any considerable extent by the efforts of individuals, for none but a public body can command the funds, or furnish the literary means necessary for such an undertaking. The Royal Asiatic Society of Great Britain and Ireland, which was instituted for the advancement of Oriental literature, is the only body in this country to which the public can look with any prospect of success for the accomplishment of such a project; and the council of that society have expressed their willingness to co-operate in the execution of the plan which it is the object of this prospectus to make known. They have subscribed largely from their funds; have recommended a committee, consisting of individuals well known for their zeal and attainments in Eastern literature, to superintend the editing, translating, and printing of the works that are to be published; and have granted the use of their house for the transaction of the business of the committee:—thus affording the best proofs of their readiness to promote the proposed object, and the strongest guarantee to the public that such works as may be recommended for publication will be executed in a manner that will render them worthy of the patronage that is now solicited.

13. For the purpose of directing the attention of scholars to the literature of the East, and encouraging translations, the committee will give annually, for such works or portions of works as they consider deserving of distinction, four rewards in money, in sums of from 50*l.* to 100*l.* each, and four gold medals of the value of fifteen guineas each, inscribed with the names of the individuals to whom they are presented. Translators, whose works are approved, will be eligible to either description of reward, unless they expressly limit their views to the medals. The rewards and medals will be conferred at the annual meeting; and success on one occasion will not disqualify for receiving rewards or medals at future anniversaries. Any member of the committee who sends a work for approval, whether with a view to obtaining a reward or medal, or merely to have it printed at the committee's expense, is to cease to act on the committee until a decision is come to on his work.

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 The Rev. D. G. Walt, LL.D., St. John's College, Cambridge.
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 Major Sir Henry Willock, Teheran.
 H. H. Wilson, Esq., Secretary to the Asiatic Society of Bengal, Calcutta.
Secretary.—Mr. William Huttman.

14. This Committee now appeal to the liberality of the public for such pecuniary aid as will enable them to effect the objects proposed in this Prospectus. The sums contributed will be appropriated exclusively to the execution of the plan above detailed, and the accounts will be examined, and a report made annually to the subscribers, of the application of the funds, by an auditor, who is to be elected by and from the body of the subscribers. A report of the progress made in translating and printing during the year will also be made to the subscribers annually, and notices will be given of such works as the Committee may intend to print at the expense of the funds contributed by the subscribers. The first general meeting of the subscribers will be held at the house of the Royal Asiatic Society on Thursday the 21st February, 1828, at two o'clock P. M., when the regulations for the Committee will be determined on, and an auditor be elected.

15. The terms of subscription proposed are, that every individual or institution subscribing ten guineas or upwards annually, will be entitled to one fine-paper copy of every work translated, printed, and published by the Committee, with the name of the individual or institution subscribing, printed on the back of the title-page. The remaining copies will be disposed of by the Committee in such a manner as they may consider most conducive to their objects, and to the advancement of Oriental literature.

16. The Committee propose to open communications with the literary Societies, the British Governors and Consuls, and learned individuals in Asia and Africa, for the purpose of procuring scarce and valuable Oriental MSS. They also intend to communicate with

the Oriental scholars in this and other countries, for the purpose of bringing to light texts and translations of valuable Oriental works, which may now lie in MS. in public and private libraries; and thus, by every available means, to endeavour to preserve what might otherwise be irrecoverably lost, and to make known original works and translations, which might otherwise never meet the public eye.

17. The Committee confidently expect that valuable translations will be obtained from Asia, as they feel assured that many civil and military officers residing there, have hitherto been deterred from translating Oriental works, by their having no opportunity for publishing the result of their labours in England. As that opportunity is now offered, it is hoped that they will be stimulated by the desire of improvement in the Asiatic languages, and the prospect of acquiring celebrity in Europe, to make translations, and avail themselves of the means of publication presented in this prospectus. For the purpose of obtaining translations and subscriptions from Asia, learned men in India, Ceylon, Penang, China, &c. will be invited to form themselves into corresponding Committees.

18. The willingness already evinced to further this design, induces the Committee to entertain the most lively hopes of success. From the list of distinguished names prefixed and appended to this prospectus, they have the greatest encouragement to proceed, and have every reason to expect that the execution of the plan will be materially assisted by the British Universities.

19. It is requested, that those individuals who are willing to become subscribers to the execution of this plan, will send their names and addresses to the Secretary, Mr. William Huttman, at the house of the Royal Asiatic Society, No. 14, Grafton-street, Bond-street, London; and that they will inform him where he may draw for the amount of their subscriptions. Subscriptions will also be received by such houses of agency as may be nominated by the corresponding Committees in Asia.

Annual Subscriptions already promised.

| | £ | s. | | £ | s. |
|--------------------------------|-----|----|----------------------------------|----|----|
| His Royal Highness the Duke of | | | The Rt. Hon. the Lord High | | |
| Clarence..... | 21 | 0 | Chancellor..... | 10 | 10 |
| His Royal Highness the Duke of | | | His Grace the Duke of Richmond | 10 | 10 |
| Sussex..... | 10 | 10 | His Grace the Duke of Leeds... | 10 | 10 |
| His Royal Highness the Duke of | | | His Grace the Duke of Bedford | 10 | 10 |
| Gloucester..... | 10 | 10 | His Grace the Duke of Devon- | | |
| His Royal Highness Prince Leo- | | | shire..... | 10 | 10 |
| pold of Saxe Coburg..... | 21 | 0 | His Grace the Duke of Northum- | | |
| The Royal Asiatic Society of | | | berland..... | 10 | 10 |
| Great Britain and Ireland— | | | His Grace the Duke of Wellington | 10 | 10 |
| the amount of the Hon. East | | | The Marquis of Lansdowne.... | 10 | 10 |
| India Company's annual sub- | | | The Marquis of Anglesea..... | 10 | 10 |
| scription to that Society..... | 105 | 0 | The Marquis Cholmondeley.... | 10 | 10 |
| His Grace the Lord Archbishop | | | The Marquis of Londonderry.. | 10 | 10 |
| of Canterbury..... | 10 | 10 | The Earl of Cassilis..... | 10 | 10 |

the substance with more certainty than envy and degradation attend on successful merit.

‘Let us now examine, somewhat in the order in which they have been recently brought forward, (in Mr. Adam’s Manifesto,) the objections urged to the expression of public opinion.

– ‘To you, who know my habits of ready obedience to authority, and my deference for its dictates, I need not disclaim any intention of disrespect towards it, in the view I take of this interesting subject ; and having, as you know, the good fortune to be united, by the ties of friendship, to two of the members of the Government, if I honour their talents, respect their virtues, and appreciate their exertions, as most assuredly I do, may I not claim from you, from others, from themselves, the full benefit, in the discussion of such a question, which the intimate friendship of such men is calculated to confer.

‘It is admitted that the great body of our countrymen are the ultimate judges of the conduct of every public functionary in India ; and to this constitutional control of public opinion, it is stated there is no objection. Indeed, I should not think there could be much. The late Marquis of Londonderry himself, who on these points was considered a little fastidious, would not have objected to the community of India exercising a salutary control over the public mind in England. Thus might the community of England express its opinion on the affairs of India, and the community of India pronounce at leisure on the affairs of England, and as both parties would necessarily have ample time to form their judgments, they would, no doubt, avoid the errors to which they are at present so liable. The utility of this species of control is readily acknowledged, but not the exercise of it, by a community constituted as the European society of Indians. It may facilitate the discussion of the question, to endeavour to state, in a few words what, the strength of the Government is, and what are the ingredients of the society over which it presides. It will not be denied that the powers intrusted to the Government, though not arbitrary, are ample. In the administration of public affairs, in all questions of domestic or foreign policy, it is unshackled in the deliberation ; in the event of war, it fears no check in the prosecution of hostilities from the intervention of a popular assembly ; no subsidies can be withholden, the public revenue is at its disposal. It has at his command a well-disciplined army devoted to its officers, and whose officers, if better and more sacred ties were weakened, would still be devoted to the Government, from motives of the most powerful self-interest, by all the hopes of an early and successful termination to an anxious and arduous service. On the other hand, the European community in India is composed : first, of officers, civil and military, of his Majesty and the Honourable Company ; secondly, of persons engaged in mercantile pursuits, seldom wholly independent of the Government, and in general men

of liberal education ; thirdly, of a lower but very small class of men of business, traders, and handicraftsmen. Is it from the public expression of the opinion of such a society, that such a Government can entertain reasonable grounds for apprehension ? Is it from such elements that opposition can arise, or resistance be offered to its authority ? It is precisely because the Government necessarily controls the fortunes and prospects of so large a portion of our Indian society, that its influence can never cease to be paramount.

‘ Thus it appears, that the reasons for which this freedom of discussion is called a mere mockery, are among those for which the exercise of it may be considered safe as well as salutary. If the Government were less strong, were any popular forms intermixed with its texture, then, indeed, there might be danger, lest freedom of discussion, by ‘ exciting our hearts and thoughts to the search and expectation of greatest and exactest things,’ might lead to the preponderance of those forms, and as a necessary consequence, cripple the exercise of salutary authority.

‘ The error lies in supposing that public opinion cannot exercise an efficient control, because it cannot legally manifest itself in systematic opposition under constitutional forms. Can Englishmen require to be reminded of the certain, though gradual effect produced by the mere expression of public sentiments by means of the press. How often has a Minister been deterred from proposing an insidious measure, by the certainty that it would be exposed, the moment his intentions were suspected ? How often have such measures been defeated by the spirit of the nation being roused, and its talents arrayed against them, not in popular meetings and tumultuary assemblage, but by the bold expression of its opinion, in open and free discussion.

‘ If, then, we have reason to believe that the Government is strong both from the nature of its constitution, and in devotion of its supporters, that the public, with reference to the possibility of resistance to authority, is weak, from the nature of its elements, and the influence which the Government necessarily exercise over it, in addition to the influence that the expression of its opinion cannot be attended with danger, may we not presume that it would be salutary ? The greater the extent of delegated power, the more obvious the expediency that the exercise of it be not wholly unchecked. At the distance at which this Government is placed from the controlling authorities, unsubjected to the interference of any popular assembly, or of any collective body whatever, what check can be devised, but that individuals be allowed freely to express their sentiments through the medium of the public press ? Let it be remembered, that these sentiments would not be the sentiments of a body of Civil Servants, of a body of military, or of mercantile men, but of individuals who have not ceased to be British subjects, because they are become servants of the Company.

Oriental Herald, Vol. 16.

"It cannot excite surprise," we are told, "that doctrines so speciously presented to the young and inconsiderate, should make a powerful impression, and weaken, if not destroy, the habits of subordination and respect for their superiors, so essential to the discipline and efficiency of a military body."

'These, indeed, would be baneful effects; and in a community, so large a portion of which is composed of military men, would more than counterbalance any advantages we could anticipate from the cause producing them: but I deny that they have been produced, nor can I admit the probability of their being so. At no period, during a service of six-and-twenty years, do I recollect that the principles of subordination were better understood, or more invariably acted on, than at the present moment. At no period have I observed, in the junior part of the army, with strict notions of honour and manliness, more ready and cheerful obedience to the orders of their superiors. Their minds, I acknowledge, are not in a state of torpor. Is this an evil? Is it an evil to keep alive those feelings by which a British soldier, at whatever distance from his native land, ought to be animated,—reverence for her institutions, and a lively hope of partaking of the happiness which those institutions are calculated to secure. If this be an evil, I certainly know not any means more likely to produce it; none more likely to keep alive such feelings, and to cherish such hopes, than that free and liberal spirit of discussion which tells him he has not ceased to be an Englishman.

'Nor need we dread that a spirit of inquiry, and of eager curiosity, will often lead him to transgress the limits of military subordination; or that, in the instances in which it may occasionally do so, there will be any difficulty in recalling him. Every soldier, if endowed with an ordinary share of observation, knows that, in the political walk, he cannot take a step without feeling that he moves in shackles. When he forgets this wholesome lesson, which the experience of others, if not his own, must have taught him, it is easy to remind him of it.

'If it be unavoidable sometimes to refer to a period, which all must wish buried in oblivion, instead of "figuring to ourselves the consequences of an unrestrained press systematically inflaming the discontents which prevailed on the coast in 1809," may we not picture to ourselves an enlightened press, assisting the Government in following the progress of this spirit of discontent, in many instances enabling it to check the evil in its origin, or at least to trace it to its source, and to apply an early, perhaps an effectual remedy? In the event of the well disposed part of the public not succeeding in correcting the evil, and in the approach to a crisis, in which men with arms in their hands, intrusted to them for the defence of the State, should demand a redress of their own grievances, measures which, in ordinary times, might be questionable, are justified by the neces-

sity which creates them. What the means are of extensive combination, which the press would have afforded, I am, I confess, at a loss to apprehend. Secrecy is the foundation of successful combination, and I should not have supposed that communications, through the medium of the press, would facilitate the means of concealment.

‘A greater difficulty remains to be considered—the effects of a Free Press on the Native population. How to enlighten them, without exciting their curiosity? How to excite their curiosity, without rousing their passions? To direct their attention to our literature, and not teach them how intimately it is blended with our politics; to enable them to appreciate the value of our institutions, without proving to them, that ‘the end of all Government is the benefit of the governed,’—are problems difficult to be solved; but not more so, than how to sap the foundations of an old and venerated superstition, by the gradual introduction of the mysteries of our faith; and how to substitute the Bible and the Gospel, for the Shasters and the Koran, without alarming the fears, and disregarding the habits and prejudices of the millions subject to our rule. As the intelligent and respectable members of our community, who in their different stations, and according to their different faculties, have fearlessly engaged in this laudable undertaking, do not lay claim to the gift of tongues, or that of miracles, I know not by what means they hope to effect their purpose, if not by those of a press which must necessarily be pregnant with whatever dangers they ascribe to that which the advocates of freedom of discussion are anxious to introduce.’

A CALL TO THE COURT OF DIRECTORS.

To the Editor of the Oriental Herald.

SIR,—I suppose you are aware that six of the extra regiments of Bengal Native Infantry, which were raised during the late war, still continue embodied—that when raised they were officered from the line, it being at the same time notified to the army, that the removals and promotions consequent thereto were to be considered as subject to revocation, should the augmentation not meet with the sanction of the Court of Directors, and that officers should be prepared to descend to their former rank and return to their former regiments. It may be opined by uninterested individuals, that, as these corps, until such sanction should be granted, could only be considered as temporarily embodied, it had been more advisable to appoint officers temporarily from other corps to do duty with them, till competent authority should direct them to be enrolled on the strength of the

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army. But be this as it may, you will naturally suppose that the confirmation of these regiments by the Court of Directors is earnestly desired by the army, and will be surprised to learn that when recently a report was circulated and currently believed, that orders had been received for their immediate reduction, the majority of the army, and almost all the officers of the extra regiments, were filled with exultation, and have since learned with regret, that the local authorities have determined still to keep them up, till the result of another reference to the Court of Directors be known.

You may think all this somewhat enigmatical, but the riddle is easily solved. I do not, indeed, pretend to know on what principle officers were removed and posted to the extra regiments, for the system was never published to the army, having been found (it is said) too complicated to admit of explanation. But the result is, that the job has been managed in such a way as to benefit a few at the expense of many; the many, consequently, are anxious for their reduction, and the officers of the extra regiments, who have suffered most, conceive it to be peculiarly unjust towards them, that, supposing orders for their reduction to have been received, they should not have been immediately re-posted to their former regiments. Some, I hear, intend to represent the matter to the Commander-in-Chief or to Government. I only marvel at their credulity or hardihood, in supposing that their representations will be attended to, or that they will not in some way be made to suffer for what will undoubtedly be construed into an act of insubordination. It is well known that those who must be the channel of communication are the same who organised the extra regiments, and are themselves deeply interested in supporting that organization; complaints, therefore, will either never be laid before the higher powers, or be falsified and misrepresented.

It is unfortunate for those who arranged the posting of officers to those corps, that the division of regiments into two each had recently taken place, and previous to the raising of the extras not a single casualty had occurred in some of the two new regiments formed from one old one, by the alternate removal of officers; yet, while one of the two gained two or more steps, the other did not gain one by the augmentation, which could not have happened under the operation of an equitable system of removal. But what officer will dare to adduce this as an example of glaring and unjust partiality? or who would venture to bring forward an instance of all the officers of a regiment being injured for the sake of one individual, a scion of a noble family, holding an official situation at the Presidency? Who, I ask, will be found hardy enough to bring forward such instances of partiality, in a service where every officer who has endeavoured to expose injustice or represent grievances, may be considered as under the shadow of an impending thunder-cloud;

and who, if necessity obliges him to be prudent, will be careful to shun the contact of every object that may elicit the latent flash ?

The press in India, you well know, must not give utterance to the voice of complaint ; I am, therefore, under the necessity of calling upon the Court of Directors, through the medium of the ' Oriental Herald,' to afford protection to their European officers. It may be well for them and their constituents to do so, for the time may yet come when something more may be required from those officers than a sullen performance of as much duty as entitles them to receive their monthly pay. They have hitherto considered their right to rise by seniority as unalienable, but they find that right is merely nominal, while they are allowed to be removed from corps to corps at the pleasure of interested individuals. If the Directors wish to do justice to their officers, let them, supposing they should eventually sanction the extra regiments, order them to be officered anew, those now serving with them being previously remanded to their old corps ; and further, let them fix a principle on which the removals, then and thereafter, may invariably be made ; and let that principle be such, that every officer may be able to discover whether justice has been done to him in its operation.

I cannot see that any serious objection could be made to such a plan as the following for the present occasion : The twelve senior majors having been promoted to lieutenant-colonels for the augmentation, let the six next senior be posted to the new regiments, and under them successively the six seniors of each grade of captains, lieutenants, and ensigns ; the vacancies in each grade being filled up before removals are made from the next. This arrangement would not interfere with the right of seniority ; and on being completed, it would be found that the six senior officers of each grade throughout the army had been placed under the six senior majors, and the plan possesses that simplicity which would enable every officer to judge of the justness of its application.

In conclusion, Mr. Editor, I have only to request that you will not unnecessarily delay the publication of this letter, and that you will endeavour to bring the subject of it to the notice of those concerned.

LEWIS.

TREATY WITH SIAM.

The following observations afford a further illustration of the late commercial arrangements with Siam, and explain different provisions of the treaty.

The Siamese negotiators could not be persuaded to specify, either in the 5th or 9th articles of the treaty, the particular ports which they would not allow British vessels to visit. It was evident that the Siamese Government desires to reserve to itself the power of preventing British vessels from entering those ports which they have not been accustomed to visit, although it was ashamed to avow this desire, after having been assured that Siamese vessels and merchants might proceed to any English country. It appears to be the object and policy of Siam, in the same manner as with many other states, to make the capital an entrepôt for the whole commerce of the country, and to discourage foreign vessels from proceeding to the provincial ports, or direct to the places of growth, for their cargoes.

The 6th article of the treaty provides a more equitable mode than what has hitherto obtained for the adjustment of 'any complaint or suit' that British merchants may have at Bangkok. The Siamese law of debtor and creditor gives the latter a right to go himself and seize the former, and imprison him, or any of his family, until the debt be discharged. If, however, the creditor, when employed in apprehending the debtor, strike him, or any of his family, the debt is immediately cancelled. Hitherto, whenever an English trader complained to the Phra Khlang against any person in his debt, he was asked, why he had trusted the party, and told to go himself and imprison him. The mission saw an instance of Messrs. Hunter and Mallock detaining the person of a prince for debt. This system was, of course, liable to many objections, and particularly as an attempt to seize a debtor might often be the cause of a serious affray between the foreign trader and the inhabitants of Bangkok, and the rules detailed in the 6th article of the treaty will less objectionably provide for the merchant's security. The concluding expression, 'It will be the merchant's own fault,' refers to the circumstance of foreign traders demanding satisfaction from the king, for losses or irrecoverable debts; and as long as the officers of the Phra Khlang's department pointed out the persons to whom only the foreign trader could dispose of his goods, he had a right to look to the government for any losses that he might sustain by the insolvency or misconduct of such persons. But the proposed new regulations, as they allow the foreign trader to buy and sell freely, without the intervention of the Phra Khlang's department, will, of course, render it incumbent upon himself to take care with whom

he may deal. British traders will do well to give no credit, or at least very sparingly and cautiously, as the Siamese are wholly ignorant of that great mercantile virtue,—punctuality, and are, besides, always very averse to part with money once come into their possession.

The prohibition against the introduction of opium into the dominions of Siam is of very ancient date, although, in some reigns, it was not so rigidly maintained as it has been during the last five or six years. Turpin says, in his *History of Siam*, vol. ii. p. 262, that opium in Siam was positively contraband, and that the reigning king, in 1771, had sentenced to death several of his subjects who had transgressed this law. The penalty of late years has been forfeiture of the opium, with a fine of eight times the weight in silver, for all opium found with any person; and sometimes, particularly at Queda, and in the southern provinces of Siam, the boat and the whole of the rest of the cargo or property of a trader, discovered introducing opium, have been seized and confiscated. The clause regarding it, in the 10th article of the treaty, was intended, at the same time that the Siamese ministers prohibited the introduction of opium, to fix the penalty of disobedience, and on as low a scale as possible. Although we learn that opium may be easily introduced and sold at Bangkok, we cannot recommend any British trader to subject himself to the risk and personal inconvenience of conveying such a commodity there.

The Siamese ministers had been in the practice of opening all English letters that came into their possession, and some dispatches of the envoy, before his arrival at Bangkok, were so treated. Strong representations were made of the disgrace and heinousness of such a practice, and the terms of the 11th article are as far as the Siamese ministers could be persuaded to acquiesce in this point. They took care to reserve to themselves the power of still opening the letters of all Asiatic subjects of the British Government, on the plea that the subjects of Ava might endeavour to transmit incendiary letters into Siam, through our territories on the coast of Tenasserim.

The original Siamese in the 10th, as well as in the 13th article of the treaty, mentions that 'Khek' and 'Cheen,' or Chinese only, shall be allowed to travel into the interior of the Siamese territories from our possessions on the coast of Tenasserim and to the eastward. 'Khek' is, literally, a foreigner, but it is a term generally applied to Malays, and natives of Hindoostan, who are not descendants of Europeans. The Burmese are called 'Phoma,' the Peguans 'Mon,' the Chinese 'Cheen,' or 'Chek,' and Europeans generally, 'Frang,' distinguishing the English by 'Angkrit,' the Portuguese, 'Portukis,' and the Dutch, 'Holanda.' The Americans are 'Merican,' and all native Christians are termed 'Portukis.' 'Khek' and 'Cheen' of the original have therefore been translated into Asiatic

subjects of the British Government, not being Burmese, Peguers, or descendants of Europeans. The Siamese negotiators declared, that the standing laws of Siam, prohibiting Burmese or Peguers being admitted into the Siamese territories, could not for the present be altered, and that as a great portion of the Burman country still belongs to Ava, the inhabitants of which might try to gain admission into Siam with our Burmese subjects, or under pretence of being such, it was necessary that no person should be admitted into the Siamese dominions, from our Burmese conquests, without being furnished with certificates or passports. The Siamese negotiators also could not be prevailed upon to admit Europeans or descendants of Europeans into the interior of the Siamese dominions. They have an idea, that the object of such persons, visiting the interior, would be only to ascertain routes, and make maps for purposes of future hostility; and the Mission found it impossible, at present, to remove this jealousy and suspicion. But, after all, the overland trade between our possessions and the Siamese dominions will be chiefly conducted, as it has always been, by Chinese, Malays, and Natives of the coast of Coromandel, in the hands of which last mentioned race, the ancient commerce between Mergui and Siam was so extensive and flourishing. All British subjects, without exception, may of course proceed by sea to any Siamese port.

With respect to the 1st article of the Commercial Agreement, we may observe, that the Siamese Government, like many others, reserves to itself the power of prohibiting the exportation of grain and importation of fire-arms. By the present laws of Siam, no vessel can export paddy or rice without a special license; and the Siamese negotiators, although they expressed their readiness, in seasons of plenty, to permit British as well as Chinese traders to export supplies of grain, still desired that the clause in this article should be expressed as it is, in order to prevent British vessels from coming to Siam for the sole purpose of trading in grain, or from claiming a right to export it.

The data on which the consolidated duty was fixed have already been shown. A Siamese fathom measures 6 feet 6 inches of English measure, and a Siamese tical, as assayed lately at the Calcutta mint, is worth one sicca rupee, and about three annas and a half. The sicca rupee is not current in Siam, but the Spanish dollar is very readily received by the public officers, who have sometimes allowed the commanders of American vessels to disburse their port charges, at the rate of 8 selungs, or 2 ticals, per dollar, instead of at the usual market rate of $6\frac{1}{2}$ selungs. The Siamese officers measure a vessel inside, between decks, at what they consider, often erroneously, to be the broadest part. The space between the lining and outer plank of the vessel is included, and if the measure cannot be introduced there, an allowance is made for it.

The 2d article of the Commercial Agreement, details the rules required to be observed upon the first arrival of a vessel in Siam. Every Government has, of course, a right to define the terms upon which it will admit vessels into its ports, and particularly as far as its capital. The Siamese Government is extremely anxious to prevent any vessel crossing the bar, until full information received at the capital of her size, character, and object; and few matters can give so much discontent and dissatisfaction to the Siamese officers, as a vessel crossing the bar at once, and reporting her own arrival at Paknam. The navigation over the bar is not very difficult, and the commander of the American ship *Liverpool Packet*, found a Chinese fisherman to engage to pilot his vessel over it. This man was immediately after seized, and he has not been since heard of. It is therefore particularly recommended to commanders of English vessels, who do not desire to be subjected to inconvenience or difficulty in their future commercial transactions at Bangkok, to conform as strictly as possible, in the first instance, to the port regulations set down in this Commercial Agreement, which are no more than what have always been in force.

The 3d article of the Commercial Agreement enforces the regulation, by which a vessel is obliged to land her guns at the mouth of the river; a regulation which must have been introduced at the time the French detachments were driven out of Siam. M. Chaumont mentions having been saluted by the guns of English and Dutch vessels lying above Bangkok, and of vessels at anchor off the old city of Yothia, having fired salutes in celebration of the coronation of the kings of England and Portugal. La Loubere makes no mention of this regulation. The vessel in which Kämpfer went to Siam, does not appear to have entered the river. But Captain Hamilton, who visited Siam in 1719, mentions his having been obliged to land and deposit his guns at Bangkok, before his vessel proceeded to the old capital Yothia. This custom is exacted by the Siamese, not only as a measure of precaution and safety, but as security against a commander leaving the port with any of the inhabitants of Siam, or without discharging the whole of his port charges and duties. It was tried, without success, to have the regulation limited to the delivery at Paknam of all powder on board of British vessels. Any urgent attempts to have the guns left on board would have served only to augment the suspicion and fears of the Siamese.

One of the greatest difficulties experienced at Bangkok, is the tedious and procrastinating manner in which the Siamese conduct business. They have no idea whatever of the value of time, and in no part of the world are the delays of office more vexatious. This point was urgently pressed on the notice of the Siamese Ministers,

and a part of the 5th article of the Commercial Agreement will, it is hoped, serve to remind the Phra Khlang of the inconvenience of keeping a commander of a British vessel waiting two or three days for his port clearance.

The 6th and last article of the Commercial Agreement gave the Mission, we are informed, a great deal of trouble. The Siamese Ministers at first proposed to render all British subjects, without exception, liable to capital punishment and whipping, for the commission of any offences with respect to which the laws of Siam have prescribed such punishments. The Mission pointed out, that British subjects are entirely ignorant of the laws of Siam, and possess no means of acquiring knowledge of them; that it would be much better to express in this article for what offences they should suffer death; and that it was not our custom to whip the commanders of ships, their officers, or merchants, but to punish them by levying a pecuniary fine upon them. The Ministers, after some argument, agreed to render this article more precise as to some of the penalties to which British subjects should be liable; but they then declared, that it did not provide for one offence, which, in the eyes of a Siamese, is of much greater magnitude than even murder—speaking disrespectfully of his Majesty the King of Siam, a crime which is invariably punished with death. The Mission observed, that it did not possess the power of engaging, that British subjects should be liable to capital punishment for such an offence, and that it was improper to suppose for a moment that any person could speak disrespectfully of so great and enlightened a prince as the present monarch of Siam. After much discussion this difficulty was overcome, and it was finally settled, that the Right Honourable the Governor-General should particularly caution British subjects visiting Siam, not to show disrespect, in any manner, to the officers of Siam. It appears that British subjects, who have hitherto visited Bangkok, have found it extremely difficult to restrain the expression of their opinions respecting the conduct and character of the officers and people of Siam. Yet moderation and forbearance on the part of the British trader, desirous of making a profitable adventure to Bangkok, are indispensable; for the Siamese officers are vexed and hurt by contemptuous and intemperate language, in the same proportion as their conduct is ever provoking it. We beg to refer here to the account given by Captain Hamilton, of his narrow escape from forfeiture of life, and of the whole of his vessel and property, upon a charge of having only said, that ‘the King of Siam had been imposed upon;’ an expression which was declared to be *high treason*.—*Government Gazette*.

AMHERST HARBOUR.

To the Editor of the Bengal Hurkaru.

SIR,—Some diversity of opinion still prevails respecting the advantages of the new port and settlement of Amherst on the river of Martaban, and I am pleased to see that the subject excites discussion, for this must lead to the truth on whichever side it may lay. I have lately visited the port myself, and have, upon the whole, a favourable impression of the place. The ship in which I was, near to 500 tons in burthen, found no difficulty on earth either in entering or quitting the harbour. When there, she lay at low water in four fathoms, within a quarter of a mile off the wharf. A gentleman residing at the place favoured me with a list of the vessels which have frequented the port since the 1st of April last year. The voyages which have been made in that time by vessels of from 250 to 600 tons, and drawing from 11 to 17½ feet, amount to 23, but besides these many smaller vessels, brigs, schooners and gun-boats have visited the place. These voyages have been performed in almost every month of the year, and yet no one vessel has been lost, or sustained damage or injury. Three out of the whole number touched the ground slightly, viz. the brig *Phenix* and ship *Felicitas* in the entrance of the harbour, and the *Hastings*, through a mistake, outside. The *Investigator*, by miscalculating the rise and fall of the tides, and going too near the shore, found herself in the mud at low water. This the commander had a right to reckon upon, for I believe he was not five-and-twenty fathoms from the shore. Considering that most of the vessels above enumerated entered and left the harbour without pilots, and that none of them had a better one than the syrang of a gun-boat, it speaks well for the harbour, that so few accidents have really happened. I know, indeed, that one of the accidents above mentioned took place from the commander making too light of the difficulty, and declining to take a pilot altogether.

The only objection, I understand, made by Captain Ross, the Surveyor General, to the harbour is, that in entering the channel you are obliged to cross the tide. This is certainly a drawback against it, but cannot, as experience has shown, be considered, after all, as any serious obstacle. The experienced officer just mentioned is at present engaged in surveying the harbour, and I look with impatience for his report, which will probably set the question of its utility at rest.

A letter on the subject of the harbour, which was in general sensible and judicious, appeared in your columns, I think, in October last. The writer, who had personally visited the place, and

who, I imagine, is a seaman, charges those who had described it before with exaggeration; but in his anxiety to correct them, he seems to me to have fallen himself into very considerable exaggerations. He describes Captain Spiers's accurate chart as a proper guide to the harbour, and then inconsistently, as I conceive, accuses some of the writers above mentioned of the exaggeration of having stated the harbour as fit for the accommodation of vessels of 800 and even 1000 tons burthen. He, on the contrary, asserts, to the best of my recollection, that the harbour is not fit for any vessel beyond 150 tons burthen! That he at least is inaccurate is certain, for since the time he wrote, near twenty voyages have been made to the place by vessels of more than double and triple the size he mentions, nay, by one of four times the size! I will even venture to say, that the assertion that the harbour is fit for the accommodation of vessels of 1000 tons burthen, is not quite so *outré* as he imagines, and for this purpose I will quote against him his own authority, the chart of Captain Spiers, of the accuracy of which he speaks favourably, and I think with great justice. In this, the least water in the channel, at dead low water spring tides, is two fathoms, and there is a rise of from 18 to 19 feet. Now, the best time to enter or quit the harbour for vessels of any burthen is high water, and at this moment, at spring tides there are about 30 feet. At high water neap tides there will be 6 or 7 feet less. In either case, there is ample water for a vessel of 1000 tons. However, to set the matter completely at rest, as far as the authority of Captain Spiers can do so, I quote the words of that officer himself from the memoir which accompanies his chart, and of which he favoured me with the perusal. 'The passages either out or into Amherst,' says he, 'will at all times be found safe and easy during the run of the weather tide; but ships, drawing more than 12 feet, should not attempt it at low water. At high water *ships of any draft may pass into the harbour, where they will find good holding ground.* There is also a river about one mile and a half up the harbour, at the entrance of which there are only two fathoms at low water, but at high water there are five, so that the *largest ship* may enter, and about one mile up there is plenty of depth at low water.'

The only other point which I shall advert to in this letter is the supply of water, about which there has been a good deal of misunderstanding or misrepresentation. Some people were eager to find brackish water at the place, nay, brine for that matter; but their inquiries, whether meant for philosophical or polemical purposes, did not prove successful, for the place absolutely produces no water but what is potable and fit for every purpose culinary and economical. This is to be had wherever a well is dug for five or six feet, even down to high water mark. At no part of India that I have visited, have I ever found so plentiful a supply of good water so readily and cheaply obtained. At the principal ports of

India, Calcutta, Madras, Bombay, Penang and Singapore, good water is only obtained after the Government has incurred a heavy charge by the digging of wells and tanks, or the construction of aqueducts and reservoirs, and even this does not always secure it. At Amherst, the Government has certainly not incurred an expense of 500 rupees on this account, and yet the supply of good water is much more than adequate to the present consumption. If the population of the place amounted to 50,000, and that it was frequented by half of the navy of India, I will venture to predict, that the supply might without difficulty or expense be made commensurate with the demand.

P. D. S.

NOTE OF THE EDITOR.

In a preceding column will be found an interesting letter on the new port and settlement of Amherst, the advantages and disadvantages of which have given rise to a great variety of opinions. As the writer has had the opportunity of personal observation, we should feel disposed to rely on his authority, were it not supported as it is by facts. The circumstance that no vessel frequenting the port sustained damage or injury during the whole of the last S. W. monsoon, although some of them drew as much as $17\frac{1}{2}$ feet water, is a convincing proof that it is well adapted for the purposes of commerce, and that the apprehensions which we know some persons have entertained, of the great difficulty of access which would be felt in that season, are unfounded. The harbour is evidently capable of admitting the largest class of vessels which usually carry on the trade of the bay at all seasons, and though very large ships may not be able to get in except at spring tides, it is not likely that any inconvenience will ever be felt from the exclusion of the first class of the Company's ships, or King's ships of the line. Our correspondent does not enter into any particulars about the town of Amherst, except that it is abundantly supplied with fresh water, a fact which has been doubted. We have heard the situation objected to, as not so well calculated for a settlement as some places higher up the river. It appears to us, that excepting the supply of fresh water, which is no longer doubtful, there can only be one good objection to placing a settlement near the sea, that is, the danger of an attack from that quarter, a danger which in the present state of our navy is not very formidable. In every other respect, and especially in healthfulness, the grand desideratum in a tropical climate, the sea-side must be allowed to be greatly superior to the interior; and for commercial purposes, the certainty of gaining the open sea in one tide from the loading port, is a consideration the importance of which can be fully appreciated by those who have experienced the detentions of the Hooghley. Should the new provinces receive a permanent form of government, and be allowed such freedom of trade as may be reasonably expected, there can be little doubt that the whole commerce of the Burman empire will

ultimately be diverted into this new channel. The security of property enjoyed under the British flag, is a sufficient ground of preference over any port still occupied by the Burmese ; and if to this there should be added encouragement to agricultural operations, and exemption from heavy duties or imposts, we may expect to see the town of Amherst attaining a commercial importance little inferior to the oldest marts of the East.

GENERAL LETTER OF NEWS FROM BENGAL.

Bengal, August 15, 1827.

It is just now a very anxious and interesting time with us ; we have been led to believe that some increase to the officers, and a remodelling of the army, is about to take place ; we are sadly in want of field-officers and captains, but if given, I fear it will be accompanied by the threatened reduction of allowances, &c. How it will be borne by the army I cannot say, but am rather inclined to think, quietly ; for the spirit of this army is broken and subdued, and never again will it display that energy and exertion in the field which it did when Lord Lake commanded it. The Lord deliver us from coming in contact with the Russians, for there is a woeful lack of all the requisites which such an event requires. We have not a man standing in our ranks that is not a mere mercenary, or an officer that does not feel that our honourable masters would reduce him to all but starvation, if they could ; this is not a state of things to hope for extraordinary exertion : in short, discontent, want of respect and confidence, prevail throughout this army ; and we are looking towards any change ; even a transfer to the King would be better than our present precarious state.

I have heard from some officers of the regiment which formed the escort of Lord Amherst, in his tour through the interior, that nothing could be more striking, especially in the eyes of the Natives, than the contrast between him and our former Governor. The one appeared born to command respect, and uphold the consequence and state of a vast empire, both in his conduct, deportment, and intercourse with the Native Chiefs admitted into his presence ; the other wanting, not only in his person, but in his manners and conversation, that dignity which should have marked a Governor-General of India ; his insignificance too was rendered more conspicuous by an embroidered coat, which it was but too justly remarked gave him the appearance of a footman. You know enough of the Natives to be aware how far appearances go with them ; and if these sentiments force themselves upon us, in what manner must *they* have regarded the head of the Government ? Lady Amherst and her suite invariably attended the durbars held for the reception of the Native chiefs ; and the presents made on these

occasions, after being handled and examined by his Lordship, were transferred to her Ladyship's hands, to undergo a scrutiny; and frequently the expression was uttered of how she should like to take them to England; indeed, it was too apparent that they were viewed with the eye of cupidity. To show, if it was necessary, to one acquainted with the Native customs, the impropriety of the presence of ladies at a dunbar, the Punnah Rajah, who was presented at Cawnpore, asked if they were the ladies of his Lordship's seraglio, and which was the favourite. On an explanation being given him, he remarked that her Ladyship appeared old, that she must be sixty, and presented her with a handful of diamonds. Her ladyship was present at Lucknow, at the leave taking of the King of Oude, when his Majesty put over her Ladyship a richly embroidered shawl; and it was explained to her by the Resident, that there was a pair of them, but that his Majesty did not like to encumber her, by putting the other on her. Her manner and look were remarkable, when she turned to his Lordship, who was standing near her, and touching him with her hand, observed, 'Recollect, recollect, there is a pair of them.' It spoke volumes, and many of the attendants were ashamed of such a palpable manifestation of cupidity. It is the common talk amongst us, as well as the Natives, that his Lordship's and family's trip up the country is merely for the purpose of what they can get. There is not even a political pretext assigned, or even hinted at, for putting the Company to the expense of a lac of rupees (10,000*l.* sterling) per month. His Lordship was occasionally troubled with rheumatism during his trip, but it could not be on that account he went to the hills, the last place he would have sought for a remedy for such a complaint.

Ere this reaches you, you will most probably have heard of the ferment in Calcutta occasioned by the Stamp Act; how it will end at last, it is impossible to say; but if the Natives are resolute in holding out, it must be repealed; for the commerce of Calcutta cannot be carried on without them: in fact, it is with their capital entirely that it is supported. But, as I have already said, every act of this Government tends to destroy the confidence and attachment of the governed of every class. Let the British Government beware how they ever admit of Colonization, for so sure as ever that takes place, so sure will this country be lost, if not entirely to Europeans, certainly to the mother country as much as America is.

It appears by the Papers that though they have registered the Stamp Act in the Supreme Court, it is said to be a dead letter, entirely vitiated by Government exempting themselves from its operation. What a triumph this for the folks in Calcutta! and how degrading to the Government, that their collective wisdom is insufficient for the legislation of the country! But it is only on a par

with the imbecility we have so long witnessed. Government carried it with a high hand, and even debarred the inhabitants from the exercise of their constitutional rights, and after all this exercise of arbitrary authority, what a pretty figure they cut ! I conclude you will see the whole proceeding in the papers from Calcutta.

I sent you a letter on the subject of the Barrackpore mutiny at the time it took place ; I was, just before it happened, in company with a Madras officer, and we were speaking on the subject of the Barrackpore troops being ordered to the eastward ; and I then declared it to be my firm conviction, that when ordered they would fail the Government. I fear that you will never get at the *real* proceedings of the Court of Inquiry on that occasion, for so much truth came out, that they ordered General Dick to expunge part of the proceedings, and, on his refusal, I hear, (but cannot exactly vouch for the fact,) threatened to prevent his coming on the staff. It was reported amongst us, that Colonel Stevenson, the Quarter-Master-General, was ordered to be displaced by the Court of Directors, for the advice he had given to Sir Edward Paget on the occasion, Sir Edward having declared, that, ignorant as he was of the nature of the Native army, he depended upon his staff for advice in the massacre. The staff, indeed, were the persons to blame in that shameful affair, but not Colonel Stevenson. It was not to be expected that two strangers in the country, the Governor-General and the Commander-in-Chief, should possess much knowledge to direct them on any occasion beyond the ordinary routine of their duty. The persons really to blame, and who ought to have been visited with the utmost displeasure of Government and the Court of Directors, were Colonel Casement, the Military Secretary to Government, whose duty it was to point out to Government the propriety of granting to the troops the indulgences and advantages invariably granted to them on extraordinary occasions of this nature, and Colonel Nicoll, the Adjutant-General, who had in his pocket a report on the state of mutiny the troops were in, yet never laid this report before the Commander-in-Chief. There is but one motive to which Colonel Casement's conduct can be attributed, that of saving so much money to his employers, that some of it might eventually reach his own pocket, in the shape of a gratuity or pension for the service. He has created universal disgust throughout the army by his total abandonment of their just interests ; and certain I am, that no paltry saving he has accomplished can counterbalance the injurious effects of the shaken confidence and attachment of this army. With regard to Colonel Nicoll's conduct, I can see no possible excuse for such a shameful dereliction of duty. The argument made use of, or reason assigned, in Lord Amherst's exposé, for not commenting on the proceedings of the Court of Inquiry, viz. ' out of delicacy to Sir Edward Paget, who must have passed a censure upon himself,'

is not only absurd, but dangerous in the extreme ; by this reasoning, should a Commander-in-chief drive this army to mutiny and open hostility to Government, (and from the ignorant and bigoted men who are sent to command it, such a case is by no means impossible,) he is not to be blamed, because, being a member of Council, it would be indelicate ! Shame upon such ignorant absurdity. Let the displeasure of the Court of Directors and the public interested in the prosperity of this country, fall upon the head of the man who could so entirely abandon their interests, as to send such imbecility to govern this vast empire.

An overland despatch is said to have arrived, giving intelligence that Sir J. Malcolm is coming round to arrange a mission to Persia, and a Central Government for India ; of what service we can be to Persia, I cannot understand, unless we send her 40,000 or 50,000 men, and I doubt if she could or would pay for them ; it would be rather a wild speculation, and would involve us in this country in difficulties little foreseen.

You may rest assured that the sentiments and feelings I have expressed are those of the army at large, if not of every individual officer in it ; but they have indeed become political cowards, and what can be expected from men thus abandoning their own cause, when called upon for extraordinary exertion in that of their masters.

What an unfortunate distinction his Majesty has bestowed upon Lord Amherst ; the very mention of Arracan ought to cover him with shame ; for supporters to his arms, he should have the ghosts of the unfortunate wretches sacrificed there, rising from their graves, and with this motto : ' Derivatur è nobis.'

We have just had another proof of the weakness of this Government, in the suppression of one of the Papers, for publishing something offensive to Government ; when will they learn that these arbitrary measures reflect upon themselves, by loudly proclaiming that their acts will not bear public discussion ; they must know, as well as every child in the country, that there are not five respectable Natives in Calcutta who can understand a newspaper discussion, and not one of any description who would trouble himself with politics ; therefore, as far as the Natives are concerned, they are perfectly harmless and insignificant. The freedom of the press is the best security of an upright government ; it is only a government conscious of, and wilful in, errors, that should shrink from discussion of its measures.

W. B.

CHARACTER OF SIR THOMAS MUNRO, BY A CORRESPONDENT
ON THE COAST.

AUTHENTIC intelligence has this moment arrived, of the death of Sir. T. Munro, near Gooty, in the end of June, by *cholera*, after an illness of only six hours. Which of the *obscurorum virorum* in council succeeds to the temporary government till Lushington shall arrive here, we scarcely know. I believe it is Mr. Græme; but no particular consequences, political or administrative, are likely to arise from this event, at least in this country. At home it may afford an opportunity, if the Board of Control be so disposed, of getting rid of the execrable ryotwaree system of land revenue, which was a measure carried through originally by Munro's personal credit and influence, and supported in India by his authority, which he unsparingly used, to put down all opposition to it on the part of the more enlightened servants of the Company. Under that system, the country was rack-rented to the utmost; it inflicted on the country, if not perpetual sterility, at least perpetual poverty. Not a dozen Natives could be found, it is confidently believed, with a lac of rupees, among the landholders of the vast region subjected to the grinding operation of the system. Every thing was absorbed by the state, beyond the barest pittance. All accumulation was nipped in the bud. The village communities with whom settlements were made, by a refinement of fiscal rapacity, were made answerable each individual for the deficiencies of the other members. The assessments were pushed to the utmost, and constantly fluctuating in their operation. The revenue officers were armed with the most extensive powers of oppression, even to that of inflicting corporal punishment on the defaulters or refractory. The constant measuring, estimating, and assessing of lands, crops, &c., led to the employment of swarms of subaltern agents, and to the unavoidable effects, as Munro's own writings often disclose, bribery, corruption, intimidation, oppression, and double knavery. The whole machine was one of *inquisition* and tyranny, in which the extraction of revenue (rent) was the one most predominating object of the rulers, and justice held only the secondary place in the eyes of the Government.

It was a feature of Munro's system to mix up, in the same hands, the powers of receiver, collector, and magistrate; and it need not be pointed out how incompatible with the general happiness was such an unnatural union. It remains to be seen, whether the influence of Munro's name will have power enough to keep up a system to which the bulk of the abler civil servants on the Coast, as well as in Bengal, are in their hearts strongly averse.

Munro was a man of undoubted talent, but in every thought and

leaning of his mind, essentially Oriental and despotic. To make a country like a regiment, was his *beau ideal*, and that of his school, Malcolm, Elphinstone, and their followers. not that they deliberately wished the misery of the Natives; on the contrary, they were more attached to them than to Europeans. After their own pure fashion, they wished to employ the Natives in offices of some respectability, responsibility and small emolument; but all this was to be done *by* Government and *for* Government. Any thing like independence, or property not derived from the countenance and employments bestowed by the state, they hold in abhorrence, for the same reason that they abominate Colonization, or the existence of Europeans, not servants of Government, in India. Pure but 'enlightened' despotism is their theory of perfection; a union of all powers, judicial, revenue, political and military, in the hands of a set of chief *employés*, each ruling absolutely his little circle of territory; that is their *beau ideal* of Government.

Munro's talents will be very differently estimated by different parties. That he was a man of vigorous, active mind and disposition, cannot be doubted; and his rise from a cadet to be a governor, though effected in a great measure by a *party*, to carry through his forced revenue system, which no one else could be found hardy enough and strenuous enough to accomplish, is a strong *prima facie* proof that he was no common man. As a military man, perhaps, his talent was of a higher order: the opportunities had not occurred for *testing* this on a great scale; yet his operations in the Deccan, at the head of a handful of half armed and half disciplined men, gave promise of no mean ability in the line of his own profession. His habits were simple, straight-forward, and severe. He was capable of infinite labour in public business, although his *penchant* was far more for administrative details than for any mental centives of a higher order. His bodily activity too was great, and his frequent journeys into the interior, although mainly actuated by the absolute necessity of keeping up his artificial and vexatious regimens, by increasing inspection and urging forward of his instruments, show that he never spared himself. His exertions in aid of the Supreme Government, to push forward and equip his contingents for the Burman war, were most praise-worthy and effectual, and such as none but a *military* man of talent at the head of a government was likely to have carried into effect. He was impartial in the ordinary administration of his government; and his favouritism, such as it was, was occasioned by the particular bias of his revenue-loving mind, the all overwhelming consideration with him. This *tact*, however, made him at all times somewhat of the chief of a *party*; and those who disliked his measures, obtained little favour or even *justice*, and made him obnoxious to many zealous and honest men. His manners were any thing but popular, but he did not want for address, and, on the whole, contrived to keep well with

the chief military authorities, notwithstanding all the jealousies natural to his situation as a junior officer, to those who were his subordinates in office, though at the head of the military force of the state.

But such a man and such a *mind* are not of the first order, whatever his numerous partizans may say. He took no large, comprehensive and *grasping* views of men and things. He was any thing but a political economist, a legislator, a philosopher. His minutes and despatches about the Press are the merest nonsense, addressed to the vulgar fears of his interested employers, affecting political alarms which even his mind was too enlarged really to dread; but adroitly chiming in with the prejudices of those he addressed, and keeping in the back ground the real causes of his fear and hatred of the press, common to all in authority, in particular to all despots, and to the civil service of the Company; namely, their dread of independent strictures on bad measures, and exposure of local and provincial abuses, and extortions and tyranny. His evidence before Parliament, however, on the impending renewal of the charter in 1813, stamps the quality and dimensions of his mind, or shows the *interested* features of his character, if we suppose him insincere. Nothing was ever more completely falsified by events than his political prophecies on the evils of free trade, and resort of Europeans to India. They are worth republishing with those of Malcolm and others his compeers, as *guages* of their fitness and that of their school for civil employment.

GENERAL LETTER OF NEWS FROM MADRAS.

To the Editor of the Oriental Herald.

SIR,—A meeting took place on the 21st ult., for taking into consideration steps for handing down to posterity the memory of Sir Thomas Munro. As is usual on such occasions, there were one or two fine speeches, extolling the character of the deceased; after which, the proposition of a subscription for erecting a monument was announced. It was immediately entered into, and has been going on ever since. It amounts at present to upwards of 50,000 rupees, and a considerable deal more is yet expected from the Interior. It is truly ridiculous to see the subscription-list, as published in the 'Government Gazette' here. I know not how public servants, at the heads of offices, can allow it. Poor native writers, peons and taties, all are called upon to subscribe, as, if they do not, they incur master's displeasure, or, in other words, they lose their situation. The consequence is, that many a poor wretch, who receives 5 rupees a-month, gives 2½ from it towards the erecting of the Governor's monument, for which he has his pride flattered by

seeing his name in print along with many other great fellows ; but it is at the expense of his family having only one meal of rice, in place of their usual two, for six weeks or two months after.

The cholera made considerable havoc among the late Governor's party before they returned to the Presidency, although they came direct from the place he died at. Captain M'Leod, of the 43d regiment, N. I., who commanded the escort, and Mr. Wilmot of the civil service, with about 50 native followers, fell victims to it. It has been remarked here, with what very inadequate medical attendants the late Governor generally travelled. The only medical man in camp with the late party was Assistant-Surgeon Fleming, attached to the Body-guard ; a young man who has been but a short time in India, consequently little practised in, or acquainted with, the local diseases. Surely, when a Governor goes on his tour into the interior, he ought to have proper medical officers with him. There are plenty of old surgeons at the Presidency, whose services could readily be commanded on such an occasion.

Speaking of medical men, I may mention to you a sad blow they have recently experienced from the medical contract, &c., being taken entirely from them, and placed in the hands of the Commissariat. It reduces the allowance of surgeons greatly. The Surgeon of the General Hospital here used to draw 3000 rupees monthly ; he now has about 800 rupees. The Post-Office establishment here, and the department in general throughout the interior, has been greatly benefited by the exertions of the gentleman under whose control it has been for some few years past ; but still it is capable of many improvements, which, it is hoped, will in time be adopted. There prevails a system in the Post-Offices at all out-stations which is very unpopular, and certainly ought to be discontinued ; that is, the keeping of a register, in every office, of all letters received for dispatch ; first entering the name of the individual from whom any letter is received, then its address ; there being no receiving-boxes here, as in England. This mode of ascertaining from whom every letter comes, is readily effected. A writer is generally kept in the office for this purpose : no letter is received until he has entered it. If your servant happen to carry a letter there when the writer is gone to his meals, or at his devotions, he may be detained two or three hours. The letters are generally numbered as received at the Post Office, and so entered in the register ; and as, at all stations, the Post Office is under the immediate charge of the commanding officer, he has an opportunity of seeing with whom every one corresponds ; and, in some instances, a very improper use is made of this power. I have known a commanding officer send to the Post Office for the register of letters received for dispatch, to amuse his guests after dinner by a view of the correspondence of their neighbours. While such a regulation exists, few will have the hardihood to send a letter addressed to you, as the writer would become a *marked man*,

and be given credit for a great deal more than he deserved, if nothing worse followed.

I was amazed, and, I may add, amused, the other forenoon, when, in one of the offices in Fort St. George, I heard a public Staff officer, who holds a high official situation there, attack in the most abusive strain a young European recruit, a writer in the department, for the awful crime of having a Number of 'The Oriental Herald' on his table. It seemed to affect the worthy officer's very keenest feelings, and he denounced expulsion from office, and a train of other punishments, as the reward of any individual who, in future, dared to bring a sheet of the work into his Department. He characterized it as a work that did much mischief, exposing a great deal that had better remain hid, and tending to awaken ideas at home unfavourable to meritorious beings here. Such attempts to suppress, materially tend to increase the circulation of the Herald. The officer above alluded to is himself an author, having a few years since favoured the world with a small volume, which, although displaying but little talent, is written in a gentlemanly tone, and with as much reflection and combination as could reasonably be expected from a Lieutenant of sepoys, which he was when he published.

There arose some years ago a dispute between the Roman Catholic priests, joined by some of the principal members of the flock here, and some of the lower class in the congregation. I am not well enough acquainted with the circumstances to explain them minutely to you; however, they led to this, that the lower set withdrew, and built themselves a small chapel in the Patchery; a few of the leading men among them managing its affairs, and regularly paying the Priests who came occasionally from the mother church to officiate. Matters went on very smoothly in this way for some time, when the priests, ascertaining that funds were accumulating in the hands of the managers of this newly erected chapel, wished to take it under their charge: this the managers opposed, and justly said, 'It is true our finances are in a flourishing way at present; our income is more than sufficient to pay you for your pious labours: but we must guard against worse times, and lay up what we can.' The two parties kept contending in this manner for some time, the holy men insisting on managing the *secular* as well as the *spiritual* concerns of their followers; and at length they raised an action in the Supreme Court here, to compel the managers of the recently erected chapel to make over to them the full management of it. The managers being all men of a low class, and in indigent circumstances, consulted a Mr. De Mallo, a rich Roman Catholic Portuguese gentleman residing here, who had frequently advised them in their former proceedings; he considered their cause just, and recommended them to a Mr. Coates, an attorney of the Supreme Court here, who

agreed to defend the suit against the priests, but required an advance of cash. This the managers were unable to raise: a house and garden, however, worth about 3000 rupees, belonged to one of their families, and the title-deeds of this property were lodged in the hands of Mr. Coates, as security for his costs.

The priests, however, delayed from one term to another bringing on the suit; and in the mean time a schism arose among the members of the newly erected chapel, who, in order to bring all to a final settlement, proposed referring the matter in dispute between them and the priests to arbitration; this the priests agreed to, and it was adjusted thus: the managers of the chapel gave up their right of its management to the priests, who on their part undertook to pay all the costs and law expenses incurred by both parties: agreements and counter-agreements to this effect were exchanged, and the matter seemed fully settled. The managers carried the agreement and undertaking from the priests to pay all costs to their attorney, Mr. Coates. His bill for *preparing to defend* the suit, was 5,250 rupees, and the bill of Mr. Carruthers, the attorney for the priests, was 7,750 rupees; in all 13,000 rupees. Mr. Coates, the attorney for the managers, for some cause or other known only to himself, put off demanding the payment of his bill from the priests, although he retained in his hands their undertaking to pay it, as well as the title-deeds of the house originally lodged with him, and raised an action in the Supreme Court against the managers, (three in number,) for the amount of his bill of costs, viz. 5,250 rupees, for which sum he obtained a decree against them, arrested and laid them in prison, where they have now remained for two years, to the total ruin of their families and prospects.

In addition to the loss of Sir Thomas Munro, the Madras army has sustained another sad shock in the death of Lieutenant-Colonel J. Noble, C. B. of the Artillery, than whom a more zealous and better soldier, gentleman and Christian, the Coast Army never possessed; he went to England in 1824, and returned in the ship Roxburgh Castle, which sailed from Portsmouth in the beginning of April last, and reached Madras roads on the 17th ult. Captain Noble, having died the evening previous to the ship's arrival here, his remains were landed on the 17th, and interred with military honours in the evening. His death has been announced in general orders, as well as in the public papers, in both of which his merits have been duly appreciated; in the former, his meritorious services were stated in honourable terms.

A. C.

MR. ROBERT CUTLAR FERGUSSON.

(From the *Bengal Hurkaru* of August 17, 1827.)

AWARE as we are that Mr. Fergusson stands pledged to advocate the rights of the Natives of this country, we have looked through the files that have reached us with some anxiety, in the hope of discovering that he had originated some motion on the subject ; but in vain. The learned, or, as we should now say, the honourable gentleman, has not only not brought forward any motion connected with India, but in the only one that has come before the House he has not spoken ; we mean the question of the Barrackpore Mutiny. His name is not once mentioned in the debate, and we cannot help regarding this as an unfavourable omen as to the redemption of that pledge to which we have alluded. On the subject embraced by the motion, we shall not, for obvious reasons, offer any opinion, and we can easily conceive, that Mr. Fergusson, without having in the minutest degree swerved from those principles which he here so uniformly and zealously advocated, may conscientiously differ in opinion from those who brought forward the motion as to the *merits* of the case ; but the motion was only for *inquiry*—for the production of papers which would have confirmed that view, if right, and detected its fallacy, if it were erroneous. Is Mr. Fergusson then become an advocate for stifling investigation ? We could fain hope not ; for if he can have brought himself to be hostile to inquiry into such cases, there can be little reliance on his aid in promoting the exposure of any abuses in the administration of India, however glaring, even though the zeal of those who not only profess to be, but who prove that they are, animated by a desire to aid in the advancement of this country, should leave him merely the task of supporting them with his eloquence and his vote.

In all the debates that have lately reached us, we only find Mr. Fergusson speaking once, and that on the debate on Mr. Shadwell's writ of right bill, on the motion for the second reading of it. The object of the bill is an improvement and simplification of the conveyance of real property. On this occasion, Mr. Fergusson paid a just tribute to the talents of Mr. Humphries, whose valuable work on the subject, though it proposes to fell down without mercy many a venerable remnant of the '*wisdom of our ancestors*,' has nevertheless received the approbation of some of those most prone to cherish and admire whatever may have antiquity to recommend it. The *Quarterly Review* in particular has bestowed on it the unqualified meed of its praise, and its merits have been acknowledged by men of all parties in the state. Mr. Fergusson performed an act of justice in expressing his opinion, that the House and the country 'owed Mr. Humphries their warm approbation for his

very admirable suggestions, and the useful labours which he had bestowed on the subject.'

But is there nothing in the state of our law as applicable to India, that might have called for some effort of the learned and honourable gentleman to obtain an alteration in it? Can he have so soon forgotten or become indifferent to the state of the law of debtor and creditor, our deprivation of juries in civil cases, of the liberty of the press, the liability of Europeans to transmission, &c. &c.? But perhaps sufficient time has not yet elapsed to afford a test of the honourable member's devotion to our cause. The next session, however, will supply one; for if, on the discussion of the petition which is gone home, he do not speak out, and boldly too, he may indeed for ever after hold his peace, for any direct interest the inhabitants of British India can have in what he says in the House or out of it. *Nous verrons!* meanwhile we must confess our hopes, of having a very zealous advocate in the honourable member, are not very sanguine. Absence is said to cure love—it should rather be called that test which distinguishes the evanescent passion of the hour, from that which quits us only with 'life's parting breath.' In the same manner it is the test, and not the destroyer, of the sincerity of men in other matters. It would be premature to say, that Mr. Fergusson's has not stood this test, for he is yet but entering on his political career in England. We shall watch its progress, however, with no small anxiety.

AN EVENING WALK IN BENGAL.

BY BISHOP HEBER.

OUR task is done! on Ganga's breast
The sun is sinking down to rest,
And, moored beneath the tamarind bough,
Our bark has found its harbour now.
With furled sail and painted side,
Behold the tiny frigate ride.
Upon her deck, 'mid charcoal gleams,
The Moslem's savoury supper steams,
While all apart, beneath the wood,
The Hindoo cooks his simple food.
Come walk with me the jungle through;
If yonder hunters told us true,
Far off, in desert dark and rude,
The tiger holds his solitude;

Nor, (taught by recent harm to shun
The thunders of the English gun,)
A dreadful guest but rarely seen,
Returns to scare the village green.
Come boldly on ! no venom'd snake
Can shelter in so cool a brake.
Child of the sun ! he loves to lie
'Mid nature's embers, parched and dry,
Where, o'er some tower in ruin laid,
The peepul spreads its haunted shade ;
Or round a tomb his scales to wreath,
Fit warder in the gate of death !
Come on ! Yet pause ! behold us now
Beneath the bamboo's arched bough,
Where, gemming oft that sacred gloom,
Glows the geranium's scarlet bloom ;
And winds our path through many a bower
Of fragrant tree and giant flower ;
The ceiba's crimson pomp display'd
O'er the broad plantain's humbler shade,
And dusk anana's prickly blade ;
While o'er the brake so wild and fair,
The betel waves his crest in air.
With pendent train and rushing wings,
Aloft the gorgeous peacock springs ;
And he, the bird of hundred dyes,
Whose plumes the dames of Ava prize.
So rich a shade, so green a sod,
Our English fairies never trod ;
Yet who in Indian bow'r has stood,
But thought on England's ' good green wood ?'
And bless'd, beneath the palmy shade,
Her hazel and her hawthorn glade,
And breath'd a pray'r, (how oft in vain !)
To gaze upon her oaks again ?
A truce to thought ! the jackall's cry
Resounds like sylvan revelry ;
And through the trees, yon falling ray
Will scantily serve to guide our way.

Yet mark ! as fade the upper skies,
Each thicket opes ten thousand eyes.
Before, beside us, and above,
The fire-fly lights his lamp of love,
Retreating, chasing, sinking, soaring,
The darkness of the copse exploring ;
While to this cooler air confest,
The broad Dhatura bares her breast,
Of fragrant scent and virgin white,
A pearl around the locks of night !
Still as we pass in softened hum,
Along the breezy alleys come
The village song, the horn, the drum.
Still as we pass, from bush and briar,
The shrill cigala strikes his lyre ;
And what is she whose liquid strain
Thrills through yon copse of sugar-cane ?
I know that soul-entrancing swell !
It is—it must be—Philomel !
Enough, enough, the rustling trees
Announce a shower upon the breeze,—
The flashes of the summer sky
Assume a deeper, ruddier dye :
Yon lamp that trembles on the stream,
From forth our cabin sheds its beam ;
And we must early sleep, to find
Betimes the morning's healthy wind.
But oh ! with thankful hearts confess
Ev'n here there may be happiness ;
And He, the bounteous Sire, has given
His peace on earth—his hope of heaven !'

POSTSCRIPT.

No intelligence of importance has reached England from Bengal, of a later date than August 30 ; from Madras, September 15 ; and from Bombay, October 2. The communications up to this date, which have been addressed to us from these places, will be found under their respective heads in the body of the work. The Bengal papers are filled chiefly with the debates in the Supreme

Court on the subject of the Indian Stamp Act, to which subject we have already devoted a large portion of our space in this as well as in preceding Numbers.

We are in possession of the official judgments delivered by the respective Judges in Bengal, on registering the regulation, for which we may probably find room in our next; if discussions on the same subject do not arise nearer home so as to supersede those in interest as well as in date. The other topics incidentally alluded to in the Indian papers are purely of local interest: so that our private correspondence, which we have given elsewhere, contains really all that is worth publication in England; for the community of which, it is becoming every day more and more important that our pages should be filled.

The following paragraphs of General News are chiefly from letters received since our sheets were closed for the press;

The advices from Bombay state that hostilities with the Rajah of Kolahpore were inevitable; and a force was already preparing to march against him.

Lord Combermere was to go on his tour of inspection in the cold weather, and to move, on the 1st of November, to Allahabad. His staff were to accompany him.

The Governor-General, Lord Amherst, was expected to return to Calcutta on the 1st of October, and thought to find his successor there, though Lord William Bentinck is still at Plymouth.

Mr. Stephens, the Agent to the Governor-General, at Leonee, on the banks of the Nerbuddah, was assassinated by two Mohammedans, on the 17th of August.

The Post-Master General of Bengal, Mr. Colin Shakspeare, has been removed from that office, in consequence of neglect of duties, ascertained after an investigation ordered by Government. He is still, however, permitted to retain his place of Superintendant of Shakspearian Bridges, on a very small salary, less than a fourth of that enjoyed by him as Post-Master General. His successor is not yet named.

Sir Charles Metcalfe is appointed a member of the Supreme Council of Bengal, in succession to Mr. Harrington, who has gone to China on his way to England, and is supposed to carry with him but few of the regrets of those he has left behind, except perhaps those of his immediate relatives and dependents. He has not even received the customary *koo-too*, or address of the No-Public of Bengal, not even a farewell dinner! though there is scarcely an instance on record of a member of Council having before left Bengal without these *burlesque* marks of approbation.

We have received materials for a tolerably accurate character of some of the principal functionaries of Government in India, and especially of those quitting the public stage, which we may probably embody into form, for the entertainment, as well as instruction, of our readers, in our next.

**CIVIL AND MILITARY APPOINTMENTS, PROMOTIONS, AND
CHANGES, IN INDIA.**

[B. signifies Bombay—M. Madras—and C. Calcutta.]

- ANGUS, G. Assist. Surg., to be Surg., v. Primrose, res., v. Rind, invalid.—C. July 13.
 Auriol, Lieut.-Col. rem. from 1st Eur. regt. to 21st N. I.—C. July 7.
 Ackers, T. P., 1st Lieut. Artill., rem. from 1st comp. 2d batt. to 1st comp. 5th batt.—C. July 9.
 Anderson, F., Esq., to be Assist. to the Principal Coll., and Assist. Magistrate in Malabar.—M. July 20.
 Burroughs, L., 1st Lieut. Artill., rem. from 4th comp. 6th batt. to 2d comp. 6th batt.—C. July 9.
 Begbie, A. P., 2d Lieut. Artill., rem. from 4th comp. 5th batt. to 2d comp. 2d batt.—C. July 9.
 Birch, G. R., 2d Lieut. Artill., rem. from 4th comp. 4th batt. to 2d comp. 2d batt.—C. July 9.
 Bell, T., Capt., 47th N. I. on furl. to Europe for health.—M. July 24.
 Brookes, W., Conductor, to be Dep.-Assist.-Commissary of Ordnance, v. Clarke, prom.—M. July 31.
 Blenkinsop, W. T., Rev., to be Mil. Chaplain at Vellore.—M. Aug. 7.
 Boardman, R. E., Lieut. 7th N. I., to be Adj. v. Harden, returned to Europe.—M. July 13.
 Bonham, S. G., Mr., to be Superintendent of Lands at Singapore.—June 21.
 Boileau, A. H. E., 2d Lieut. Engineers, to be 1st Lieut., v. Forbes, prom.—C. July 13.
 Boileau, J. P., Maj. Artill., rem. from 3d to 2d Brig. Horse Artill.—July 9.
 Bingley, T. P., 1st Lieut., rem. from 1st troop 2d brig., to 4th troop 3d brig. Horse Artill.—C. July 9.
 Bedingfield, R. G., 1st Lieut. Artill., rem. from 1st comp. 5th batt. to 2d comp. 2d batt.—C. July 9.
 Baker, O., 1st Lieut. Artill., rem. from 2d comp. 6th batt. to 7th comp. 6th batt.—C. July 9.
 Bennett, S. W., 1st Lieut. Artill., rem. from 9th comp. 6th batt. to 1st comp. 1st batt.—C. July 9.
 Brett, W. T., Sen., Capt. Artill. to be Major, v. Morison, prom.—M. July 20.
 Brown, C., Ens., 18th N. I., to be Lieut., v. Jenkin, dec.—C. Aug. 14.
 Blair, T., Capt., Artill., on furlough to Europe for health.—C. Aug. 17.
 Christian, H. H., Cadet of Cav., to be Cornet.—C. July 13.
 Coulthard, S., Capt. Artill., rem. from 3d Comp. 3d Batt. to 4th Comp. 2d. Batt.—C. July 9.
 Campbell, A., 1st Lieut., rem. from 2d Comp. 2d Batt., to 2d Comp. 5th Batt., Artill.
 Campbell, J. G., 2d Lieut. Artill., from 2d Comp. 2d Batt. to 3d. Comp. 4th Batt.—C. July 9.
 Cockburn, H. D. W., 2d Lieut. Artill., rem. from 4th Comp. 3d Batt. to 2d Comp. 4th Batt.—C. July 9.
 Clarke, S., Dep.-Assist.-Commiss. of Ordnance, v. Gibson, prom., and to be attached to the Arsenal of Fort St. George.—M. July 31.
 Colebrooke, J. W., Lieut. 43d N. I., to be Quar.-Mas., Interp., and Paymas., v. Campbell.—M. July 13.
 Clutterbuck, E., Lieut., 38th N. I., to be Quart.-Mas., Interp. and Paymas., v. Garraway, dec.—M. July 13.
 Coxe, W. B., Sen. Lieut., 43d N. I., to be Capt., v. M'Leod, dec.—M. July 13.
 Cortland, P. A., Lieut., 64th N. I., to be Capt. by Brev.—C. Aug. 14.
 Catton, F. C., Second Lieut. Engin., on furl. to Neilgherry hills for health.—M. July 13.
 Carfrae, J., Lieut.-Col. 36th N. I., to be Milit. Sec. to the Governor.—M. July 13

- Cotton, F. C., Lieut. of the Engin., to be Assist. to the Super. Engin. in Malabar and Canara.—M. July 31.
- Campbell, R. C., Capt. 42d N. I., on furl. to St. Thomas's Mount for health.—M. July 4.
- Cathcart, R., Esq., to be Assist. to the principal Collec. and Assist. Magis. in Tanjore.—M. July 20.
- Cadogan, E., Sen. Capt. 33d N. I., to be Major, v. Drewe, invalid.—M. July 10.
- Campbell, J., Sen. Lieut. 33d N. I., to be Capt. v. Cadogan, prom.—M. July 10.
- Chester, G., Mr., Veterinary Surg., posted to 1st Light Cav.—M. July 10.
- Dickson, Lieut. Engin., to be Executive of the Purneah Division, v. Saunders.—C. Aug. 17.
- Doveton, H., Lieut., 4th N. I., to be perm. Sub. Assist. Commissary Department.—C. Aug. 17.
- Deacon, C., Lieut.-Col. Commander, (C. B.) to be entitled to off-reckoning, half a share, v. Munro deceased.—M. July 13.
- Dyce, A. B., Senior-Lieut. 4th N. I., to be Capt. v. Hall deceased.—M. July 20.
- Dashwood, F., 2d Lieut. Artill., to be 1st Lieut. v. Ackers resigned, v. Wakefield deceased.—C. July 13.
- Dickson, R. C., Capt. Artill., rem. from 3d Comp. 4th Batt., to 4th Comp. 3d Batt.—C. July 9.
- Debrett, J. E., 1st Capt. Artill., rem. from 4th Comp. 5th Batt., to 12th Comp. 6th Batt.—C. July 9.
- Day, E. F., 1st Lieut. Artill., rem. from 1st Comp. 2d Batt., to 1st Comp. 5th Batt.—C. July 9.
- Dirks, Mr. P. S., to be Assist. to Master Attend. at Madras.—July 13.
- Douglas, A., Lieut. Engin., to be Assist. to the Superintend. Engin., at Jaulnah.
- Ebhart, B. W., Lieut., 10th N. I., to be permanent Sub. Assist. Commissary Department.—C. Aug. 17.
- Egerton, C. C., Assist.-Surg. Oculist, appointed to the Lower Orphan School.—C. Aug. 17.
- Egan, Mr. W., to be Master Attend. at Calingapatam.—M. July 13.
- Elphinstone, C., Senior Major 20th N. I., to be Lieut.-Col., and posted to 25th N. I. v. M'Leod prom.—M. July 13.
- Forbes, W. N., 1st Lieut. Engin. to Capt., v. Paton, dec.—C. July 13.
- Fitzgerald, G. F. C., 2d Lieut. Artil., rem. from 2d Com. 2d Batt., to 4th Comp. 5th Batt.—C. July 9.
- Fitzgerald, A., 2d Lieut. Artil., rem. from 3d Comp. 4th Batt., to 7th Comp. 6th Batt.—C. July 9.
- Fearon, P., Major, 6th N. I., on furlough to the Cape, eventually to Europe, for health.—B. July 16.
- Grote, Fred., Lieut. Artil., to be Super. Aid-de-Camp on the Gov.-Gen. personal Staff.—C. July 22.
- Gerard, A., Capt., 27th N. I., placed at disposal of the Commander-in-Chief.—C. August 17.
- Goldingham, Lieut., Madras Artil., to be acting Executive Officer at Singapore, on the departure of Lieut. Jackson.—June 21.
- Gowan, E. P., Capt., Artil., rem. from 5th Comp. 6th Batt., to 4th Comp. 5th Batt.—C. July 9.
- Gahagan, T., Esq., to be Deputy Collector of Sea Customs at Madras.—July 13.
- Gascoigne, E. J., Esq., to be Master Attendant at Madras.—July 13.
- Græme, G. K., Rev., to be Junior Military Chaplain at Bangalore.—M. Aug. 17.
- Gibson, G., Assist.-Commiss. of Ordnance, to be Dep. Commis. of Ordnance at Vellore, v. Hosmer.—M. July 31.
- Glyan, J. E., Sen. Ens., 4th N. I., to be Lieut. v. Dye, prom.—M. July 20.
- Henderson, R., Lieut. of Engin., to be Assist. to the Superintend. Engin. at Nagpore.—M. July 31.
- Hooper, G. S., Esq., to be Head Assist. to the Principal Collec. and Assist.-Mag. in Canara.—M. Aug. 7.
- Henderson, Benj., Surgeon, to be Resident Surgeon at Singapore.—June 31.

- Hay, H. Lieut., 2d Light Cav., to be Capt. of a troop, v. Lambie, retired.—C. July 13.
- Huthwaite, E., Capt. Artill., rem. from 2d comp, 3d batt. to 8th comp. 6th batt.—C. July 9.
- Humfreys, H., 1st Lieut. Artill., rem. from 1st comp, 6th batt. to 1st comp. 2d batt.—C. July 9.
- Hodgson, W. E. J., 2d Lieut., rem. from 1st troop 2d brig. to 4th troop 3d brig. horse-artill.—C. July 9.
- Hosmer, C., Capt., Dep. Commiss. of Ordnance at Vellore, rem. to Cannanore, v. Brett, prom.—M. July 31.
- Hamilton, A., Col., (C.B.) of the 30th Foot, to command Trichinopoly.—M. July 31.
- Howington, T. L., Mr., admitted Cadet of Cavalry.—C. August 14.
- Inglis, H., Lieut., 2d Light Cav., permitted to place his services at the disposal of the Resident at Hyderabad.—M. July 10.
- Jeffries, R., Major, 6th Light Cav., returned to his duty.—M. July 25.
- Kennedy, C. P., Capt. Artill., rem. 3d comp. 6th batt. to 2d comp. 3d batt.—C. July 9.
- Kemp, R. R., 1st Lieut. Artill., to be Capt. by Brevet.—C. August 14.
- Lambert, R., Lieut., 16th N. I., to be Adj. to the Seringapatam Local Batt. v. Flyter, promoted to Europe.—M. July 20.
- Leith, James, Major-Gen., commanding the southern division of the army, permitted to remain at the Presidency for three months for recovery of his health.—M. July 20.
- Lawrell, J. G., to be 2d Assist. to Export Warehouse-Keeper.—C. July 5.
- Lawson, J. G., Cornet, 2d Light Cav., to be Lieut. v. Hay, prom.—C. July 13.
- Larkins, G., 2d Lieut. Artill., rem. from 9th comp. 6th batt. to 4th comp. 1st batt.—C. July 9.
- Lawford, E., Lieut. of Eng., to be Assist. to the Superinten. Eng. in the Centre Division, and in Mysore.—M. July 31.
- Lewin, M., Esq., to be Sub-Col. and Joint-Magis. in Tinevelly.—M. Aug. 7.
- Lewin, F. M., Esq., to be Regis. to the Zillah Court of Calicut.—M. Aug. 7.
- Lushington, J. S., Lieut., 6th Light Cav., on furlough to the Presidency.—M. Aug. 4.
- Lee, W. R., 1st Lieut. 43d N. I., to be Capt. by Brevet.—C. August 14.
- Menzies, J., Assist.-Surg., to perform Med. Duties of Salt Agency at Kodgellee, v. Angus prom.—C. July 13.
- Mowat, J. L., 1st Lieut. Artill., rem. from 6th comp. 6th batt., to 1st comp. 2d batt.—C. July 9.
- M'Gregor, G. H., 2d Lieut. Artill., from 10th comp. 6th batt., to 1st comp. 5th batt.—C. July 9.
- Maw, N. C., Lieut., 11th N. I., on furl. to the Cape for twelve months for health.—B. July 22.
- Moore, G. W., Lieut. 3d reg. or P. L. I., on furl. to the Presidency for health.—M. Aug. 4.
- Marshall, G., Lieut., 17th N. I., on furl. to Bangalore.—M. Aug. 4.
- M'Nair, J. C., Lieut., 1st Brig. Horse Artill. to be Adj., v. Sheriff, prom.—M. July 13.
- Marshall, H., Lieut., 33d N. I., to be Quar. Mas. Interp. and Paym., v. M'Lellan, res.—M. July 13.
- M'Leod, C., Sen. Lieut.-Col., (C. B.), to be Lieut.-Col. Commandant, and posted to the 12th N. I., v. Major-Gen. and Col. Sir Thomas Munro, Bart. and K. C. B. dec.—M. July 7.
- Molesworth, A., Lieut.-Col., to be entitled to off-reckoning, half a share, v. Munro, dec.—M. July 13.
- Macartney, J. A., Sen. Ens. 38th N. I., to be Lieut., v. Garraway, dec.—M. July 13.
- Mansell, W., Surgeon, permitted to retire.—C. August 13.

- Milnes, W., Lieut., 7th Light Cav., to be Aid-de-Camp to the Governor.—M. July 13.
- M'Lean, T., Major, 1st Eur. reg., to be Honorary Aid-de-Camp to the Governor.—M. July 13.
- Morrison, W., Sen. Major, (C. B.) Artillery, to be Lieut.-Col. v. Noble, dec.—M. July 13.
- M'Donnel, G. G., Lieut., 27th N. I. on furl., to the Neilgherry Hills, for health.—M. July 11.
- Moncrieffe, J., sen. Capt. 20th N. I. to be Maj., v. Elphinstone, prom.—M. July 13.
- Mellor, J. sen., Lieut. 20th N. I., to be Capt. vice Moncrieffe prom.—M. July 13.
- Neave, W. A., Esq., to be Head-Assist. to Collect. and Magistrate of Chingleput.—M. July 13.
- Norfor, R. W., Esq., to be Deputy-Master Attend., and Boat-Master at Madras.—July 13.
- Noble, James, Capt., Assist.-Commisa. Gen., on furl. to the Presidency.—M. July 13.
- Napier, J., Major, 30th N. I., to be Private Secretary to the Governor.—M. July 13.
- Norris, J., Surg., to be Staff-Surg. at Jaulnah, v. Hafies.—M. July 20.
- Newmarth, Henry, Assist.-Surg., on furl. to Europe for health.—C. Aug. 6.
- Nisbet, James, Mr., to practise as a Surgeon, and to succeed as Assist.-Surg.—C. Aug. 13.
- Olipphant, 16, Capt. Artill., rem. from 13th Comp. 6th Batt. to 2d Comp. 2d Batt.—C. July 9.
- Onslow, A. P., Esq., to be Head Assist. to the Principal Collec. and Assist. Mag. in Coimbatore.—M. Aug. 7.
- Pew, P. L., Capt. Artill., rem. from 4th Comp. 3d. Batt. to 3d Comp. 3d Batt.—C. July 9.
- Purton, J., Capt., Superintend. Eng. in the Centre Divis., to act in Mysoor, in the absence of Lieut. Nugent, on furlough.—M. July 31.
- Patrickson, G., Lieut. Eng., to be Assist. to the Super Eng. in the Southern Div.—M. July 31.
- Paternoster, J., Esq., to be Registrar to the Zillah Court of Salem.—M. Aug. 3.
- Phillimore, C. Lieut., 2d. Light Cav., to be Quart. Master, Interp. and Paymast. v. Inglis.—M. July 20.
- Page, H. E., Capt., Invalid Estab., on furl. to the Cape for health.—C. Aug. 13.
- Rodber, J., Maj. Artill., rem. from 1st to 3d Brig. Horse Artill.—C. July 9.
- Reid, C. S., 2d Lieut. Artill., rem. from 1st comp. 5th batt. to 3d comp. 6th batt.—C. July 9.
- Robley, J. H., Sen. Ens. 43d N. I., to be Lieut. v. Coxe, prom.—M. July 13.
- Symons, W. J., 1st Lieut. Artill., rem. from 1st comp. 1st batt. to 5th comp. 6th batt.—C. July 9.
- Smee, W. N. J., Lieut. 5th N. I., to be Fort Adj. at Ahmednugger, v. Jamieson, proceeding to Europe.—B. July 20.
- Sneyd, R. M., Esq., to be Provincial Judge of Galle and Matura, v. Charles Scott, dec.—Ceylon, Aug. 4.
- Sackville, P., Col., 41st N. I., on furl. to Eur. for health.—C. Aug. 13.
- Saunders, T., 1st Lieut. Artill., to be Capt. by Brevet.—C. Aug. 14.
- Stewart, R., Capt., 61st N. I., on furl. to Eur.—C. Aug. 17.
- Timbrell, T., Capt. Artill., rem. from 4th Comp. 2d Batt., to 3d Comp. 1st Batt.—C. July 9.
- Turton, J., 1st Lieut. Artill., rem. from 2d Comp. 5th Bat., to 3d Comp. 2d Bat.—C. July 9.
- Twemlow, G., 1st Lieut. Artill., rem. from 3d Comp. 2d Bat., to 6th Comp. 6th Bat.—C. July 9.
- Trower, J., 2d Lieut., rem. from 4th Troop, 3d Brig., to 1st Troop, 2d Brig. Horse Artill.—C. July 9.
- Thomas, E. B., Esq., to be Assist. to Collector and Magistrate at Trichinopoly.—M. July 13.

- Twemlow, Geo., 1st Lieut., Artill., to be Capt. by Brevet.—C. Aug. 14.
 Turner, C. M., admitted Veter. Surg.—C. Aug. 17.
 Turker, F. N. B., Lieut. 24th N. I., to be Line Adj. at Rajcote, vice Troward, prom.—B. July 10.
 Templar, F. J., Esq., to be Collector of Chilaw, and Provincial Judge of Calpenty, vice R. M. Sneyd, Esq.—Ceylon, Aug. 4.
 Tulloch, G. A., Sen. Ens., 33d N. I., to be Lieut. vice Campbell, prom.—M. July 10.
 Taylor, H. G. A., Lieut. Col. 18th N. I., to be Town Major of Fort St. George.—M. July 13.
 Underwood, W. F., Esq., to be Head Assist. to the Collector and Assist. Magist. of Guntoor.—M. Aug. 17.
 Vivian, R. J. H., Capt. 18th N. I., to be Assist. Adj. Gen. to the Maypore Subsidiary Forces, vice Hunter.—M. July 13.
 Weeding, Mr. Benj., to be an Assistant to the Resident Councillor at Singapore.—June 21.
 Woodburn, D., Surg., posted to 7th N. I., vice Webb, app. Gar. Surg. at Chunar.—C. July 7.
 Woodrooffe, G. H., Capt. Artill., rem. from 3d Comp. 1st Bat., to 3d Comp. 4th Bat.—C. July 9.
 Wiggins, C. H., 1st Lieut. Artill., rem. from 4th Troop, 1st Brig., to 1st Troop, 2d Brig., Horse Artill.—C. July 9.
 Whiteford, J., 2d Lieut. Artill. removed from 12th Comp. 6th Batt. to 8th Comp. 6th Bat.—C. July 9.
 Wish, Major, to command Artill. in Saugor division.—C. July 9.
 Williams, H., Esq., to be head Assist. to Col. and Mag. of Salem.—M. July 13.
 Watson, T. S., Maj. of the Artill. to be principal Commiss. of Ordnance in charge of the Arsenal of Fort St. George.—M. Aug. 3.
 Walker, H., Lieut., 14th N. I., furlough extended.—M. Aug. 4.
 Watson, T., Capt. 4th N. I., to be extra Aid-de-Camp to the Gov.—M. July 13.
 Wright, G., Lieut., 16th N. I., to Artill. as Adj., in absence of Lieut. Nicolay, on sick certificate.—M. July 20.
 Walker, Francis, Lieut.-Col. 8th Light Cav., on furl. to Europe.—M. July 20.
 Woodburn, David, Mr., (M. D.,) to be Assist.-Surg.—C. Aug. 6.
 Yolland, R. S., Sen. 1st Lieut. Artill. to be Capt. v. Brett, prom.—M. July 20.

BIRTHS.

- Alexander, the lady of James, of a son, at Sholapore, August 9.
 Arnold, the lady of Major G., 2d Cav., of a daughter, at Muttra, Aug. 1.
 Barnett, the lady of Lieut., 7th N. I., of a daughter, Bombay, July 11.
 Byrne, the lady of Henry, Esq., of a son, Madras, August 6.
 Clarke, the lady of Major, 46th Foot, of a son, at Secunderabad, July 21.
 Chamier, the lady of H., Esq., of a daughter, Madras, August 9.
 Clarke, the lady of Major, 48th Foot, of a son, at Secunderabad, July 21.
 Chase, the lady of Capt., of a son, Madras, July 26.
 Delamain, the lady of Lieut.-Col. John, 58th N. I., of a son, at Loghooghat, in Kemaun, July 9.
 Pondclair, the lady of F. De, Esq., of a son, at Pondicherry, July 26.
 Fairhead, the lady of Lieut. J. A., Adj., Moorshedabad Provincial Batt., of a son, at Berhampore, August 11.
 Goode, the lady of the Rev. Francis, of a daughter, at Calcutta, August 10.
 Hill, the lady of Capt. Charles, 54th Foot, of a daughter, at Cannanore, August 2.
 Hands, the lady of Capt. F. W., 38th N. I., of a son, at Nagpore, July 23.
 Hay, the lady of John, Esq., Superintending Surgeon in the Ceded Districts, of a son, at Bellary, August 12.
 Johnstone, the lady of Alexander, Esq., of a son, Madras, July 29.
 Kerakoose, the lady of A., Esq., of a daughter, Madras, August 6.
 Lumsden, the lady of Capt., Bengal Horse Artill., of a son, at Cawnpore, July 5.
 Mallandine, the lady of Major, of a son, Singapore, August 10.
 Ogilvy, the lady of Adam, Esq., Civ. Serv., of a son, at Kishnaghur, Bengal, August 4.
 Roberts, the lady of Charles, Esq., Civ. Serv., of a son, at Pallamanair, August 21.

Span, the lady of O. W., Esq., 53d Reg., of a son, at Bareilly, July 31.
 Taylor, the lady of W. R., Esq., Civ. Serv., of a son, at Countallum.—August 1.
 Weston, the lady of Capt. C. T. O., of a daughter, at Chowringhee, July 26.
 Weguelin, the lady of G. C. Esq., of a son, at Dacca, August 14.

MARRIAGES.

Anson, Lieut. and Adj. Frederick, 18th N. I., third son of Lieut.-Gen. Sir George Anson, K. C. B. M. P., to Miss Catherine Hunson, Bengal, July 25.
 Briggs, Lieut. James, Deputy Assist. Quart.-Mast.-Gen. Mysore Division, to Sophia, second daughter of the Rev. George Marshall, Rector of Donagh, Ireland Bagalore, Aug. 21.
 Carthew, Lieut. and Quart.-Master 21st N. I., to Jemima Borland, youngest daughter of John Ewart, Esq., Bombay, July 16.
 Couchman, Thomas, Esq., to Miss Elizabeth Graham Roby, eldest daughter of the late Capt. F. Roby, of the Navy, Calcutta, Aug. 9.
 Gahan, Capt. George, of the brig *Lady Munro*, to Miss Georgiana Eaton, eldest daughter of the late Capt. Charles Eaton, Master-Attendant of Corings, Madras, Aug. 4.
 Humphreys, S. J. Esq., 5th Light Cav., to Miss F. L. Roeford, Trinchinopoly, July 24.
 Lufmore, R., Lieut., of 16th foot, to Mary Helen, youngest daughter of W. C. Gibson, Esq., at Galle, July 11.
 Montgomerie, Wm. Esq., Assist. Surgeon, to Eliza, second daughter of A. Graham, Esq., of Glasgow, Calcutta, August 13.
 M'Donald, Lieut. Alexander, Adj. 1st Bombay Eur. reg., to Miss Matilda, fifth daughter of Lieut.-Col. J. Welsh, Commanding in the Doosab, at Belgaum, July.
 Thomas, E. B., Esq., Civ. Serv., to Isabella Margaret, daughter of E. C. Greenway, Esq., Civ. Serv., Bombay, July 12.

DEATHS.

Blaney, Charles, Esq., merchant and agent, aged 52, at Calcutta, July 22.
 Cunningham, J., Capt., late Commander of the ship *Ferguson*, son of General Cunningham, Mad. Service, aged 36, at Calcutta, July 16.
 Codrington, Louisa, wife of Lieut. R., 46th regt. N. I., aged 18 years, at Secunderabad, July 10.
 Cocke, A., Esq., Surgeon 67th N. I., at Dinapore, July 12.
 Christy, Helen, daughter of the late M., Esq., aged 17, at Ramnad, July 14.
 De Fries, Adrian, Esq., aged 70, at Pondicherry, July 12.
 Gillet, Capt. W., Country Service, at Calcutta, lately.
 Garraway, Lieut. R., Quart.-Mast. and Interp. 38th N. I., at Bombay, July 8.
 Hall, Capt. H. S., 4th N. I., and Acting Military Paymaster at the Presidency, Bombay, July 15.
 Lang, Eliza Harriett, lady of Lieut. R. W., 37th regt., at Berhampore, July 12.
 Locke, Indiana Laura, the lady of Capt. Thomas, at Manantody, in Wynaad, us. 17.
 M'Luckie, Capt., com. of the ship *Countess of Dunmore*, Calcutta, July 18.
 Marshall, Capt. John, H. M.'s 48th Reg., Bombay, July 8.
 Macleod, Capt. A., near Ghooty, com. the late Hon. Gov's escort, July 20th.
 Noble, Lieut.-Col. John, Madras Army, Bombay, July 16.
 Read, Lieut.-Col., Deputy Quarter Master Gen. of H. M.'s Forces at the Presidency, Madras, Aug. 21.
 Stewart, Poyntz, Esq., M.D. Assist.-surg. Company's service, aged 28, Calcutta, July 16.
 Silver, T. G., sen. Ens. 20th N. I. to be Lieut. v. Mellor, prom.—M. July 13.
 Secluna, Capt. Paul, of his H. M.'s 4th Ceylon regiment, Madras, Aug. 14.
 Thomson, Thomas, aged 23, at Calcutta, July 20.
 Willmot, Arthur, Esq. Madras Civ. Serv. at Anantpore, aged 22, Bombay, (lately).
 Younge, Capt. Matthew, of the 30th Foot, at Ellichpore, Aug. 4.

SHIPPING INTELLIGENCE.

ARRIVALS FROM EASTERN PORTS.

| Date. 1827. | Port of Arrival. | Ship's Name. | Commander. | Place of Depart. | Date. 1827. |
|----------------|------------------|-----------------|-------------|------------------|----------------|
| Dec. 28 | Dover .. | Loader .. | — | Ceylon .. | Aug. 2 |
| Dec. 29 | Cowes .. | Two Brothers.. | Meek .. | Batavia .. | Sept. 5 |
| Dec. 31 | Falmouth .. | Faith .. | Delutte .. | Australia | Aug. 4 |
| 1821. | | | | | |
| Jan. 3 | Downs .. | Borneo .. | Haviland .. | Batavia .. | Aug. 12 |
| Jan. 3 | Downs .. | Sarah .. | Manders .. | Mauritius | Sept. 14 |
| Jan. 7 | Hastings .. | Meddleburg .. | Jonker .. | Batavia .. | — |
| Jan. 8 | Portsmouth | Coldstream .. | Stephens .. | Bengal .. | July 11 |
| Jan. 14 | Downs .. | Hussaren .. | Gibson .. | Cape .. | Nov. 27 |
| Jan. 14 | Portsmouth | Albion .. | Chambers.. | Mauritius | Oct. 9 |
| Jan. 15 | Downs .. | Cassandra .. | Rodger .. | Bengal .. | July 25 |
| Jan. 15 | Channel .. | Woodford .. | Chapman .. | Bengal .. | July 5 |
| Jan. 19 | Downs .. | Vesper .. | Wyllie .. | Bengal .. | Aug. 13 |
| Jan. 19 | Downs .. | Orynthia .. | Rixon .. | Singapore | Sept. 8 |
| Jan. 19 | Downs .. | Lord Strangford | Gray .. | Mauritius | Oct. 17 |
| Jan. 21 | Downs .. | Thomas Coutts | Christie .. | — | — |
| Jan. 22 | Downs .. | Emily .. | Brier .. | South Seas | — |
| Jan. 23 | Dartmouth | Cragiever .. | Ray .. | Mauritius | Nov. 3 |
| Jan. 24 | Channel .. | Darius .. | Blair .. | Mauritius | Oct. 16 |
| Jan. 25 | Dartmouth | Mary Ann .. | Cuthill .. | Lima .. | — |

ARRIVALS IN EASTERN PORTS.

| Date. 1827. | Port of Arrival. | Ship's Name. | Commander. | Port of Depart. |
|----------------|------------------|--------------------|--------------|-----------------|
| July 1 | New S. Wales.. | Denmark Hill .. | Foreman .. | London |
| July — | V. D. Land .. | Harvey .. | Findlay .. | London |
| July 17 | Madras .. | Roxburgh Castle | Robertson .. | London |
| July 25 | New S. Wales.. | Guilford .. | Johnson .. | London |
| July 26 | Madras .. | Protector .. | Waugh .. | London |
| July 30 | New S. Wales.. | Marq. of Hastings | Drake .. | Portsmouth |
| July 30 | Madras .. | Sir Edward Paget | Geary .. | London |
| Aug. 2 | China .. | Alfred .. | Pearson .. | London |
| Aug. 3 | New S. Wales.. | Elizabeth .. | Atherdon .. | Liverpool |
| Aug. 4 | Madras .. | Grecian .. | Smith .. | London |
| Aug. 4 | Bengal .. | Crown .. | Pindar .. | London |
| Aug. 5 | New S. Wales.. | Princess Charlotte | Godby .. | London |
| Aug. 5 | Singapore .. | Intrepid .. | Sluman .. | London |
| Aug. 5 | Madras .. | George .. | Fulcher .. | London |
| Aug. 8 | Singapore .. | Orynthia .. | Rixon .. | London |
| Aug. 11 | Bengal .. | Ospray .. | Macgill .. | Liverpool |
| Aug. 11 | Bengal .. | Belzoni .. | Talbert .. | London |
| Aug. 23 | Madras .. | Minerva .. | Probyn .. | London |
| Aug. 26 | Madras .. | Lady East .. | Evans .. | London |
| Sept. 28 | Mauritius .. | Lord Strangford | Greig .. | London |
| Oct. 1 | Mauritius .. | Eliza Jane .. | Liddell .. | London |

DEPARTURES FROM EUROPE.

| Date. 1827. | Port of Depart. | Ship's Name. | Commander. | Destination. |
|----------------|-----------------|-----------------|-------------|--------------|
| Dec. 21 | Shields .. | Dominic .. | Hodgson .. | St. Helena |
| Dec. 26 | Downs .. | Olive Branch .. | Anderson .. | Cape |
| Dec. 26 | Downs .. | Bolivar .. | M'Donald .. | Cape & Maur. |
| Dec. 28 | Portsmouth .. | Madras .. | Beach .. | Mad. & Beng. |

| Date. | Port of Arrival. | Ship's Name. | Commander | Port of Depart. |
|---------|------------------|-----------------|-----------|-----------------|
| 1827 | | | | |
| Dec. 28 | Cowes | Jessie | Winter | Cape |
| Dec. 28 | Downs | Reaper | Rhind | Singapore |
| Dec. 29 | Liverpool | Duncan Gibb | Macintosh | Bombay |
| Dec. 29 | Liverpool | Annandale | Penn | Bombay |
| Dec. 30 | Liverpool | Mary | Dagnea | Mauritius |
| Dec. 30 | Liverpool | Arabian | Willis | Bengal |
| 1828. | | | | |
| Jan. 3 | Gravesend | General Palmer | Truscott | Madras |
| Jan. 3 | Gravesend | Dunira | Hamilton | Bom. & China |
| Jan. 5 | Liverpool | Gallovidian | Martin | Bombay |
| Jan. 5 | Gravesend | General Harris | Stanton | Beng. & China |
| Jan. 5 | Gravesend | Edinburgh | Bax | Bom. & China |
| Jan. 5 | Downs | Medina | Miller | Bombay |
| Jan. 5 | Downs | Recovery | Paterson | Bombay |
| Jan. 5 | Downs | Walsingham | Baurche | St. Helena |
| Jan. 5 | Downs | William | Young | Mad. & Beng. |
| Jan. 5 | Downs | Julia | Grant | Mauritius |
| Jan. 5 | Downs | Margaretha | Reid | Batavia |
| Jan. 5 | Liverpool | Alexander | Ogilvie | Singapore |
| Jan. 6 | Portsmouth | Numa | Wade | N. S. Wales |
| Jan. 6 | Plymouth | Stentor | Tindell | Ceylon |
| Jan. 10 | Gravesend | Claudine | Flinn | Mad. & Beng. |
| Jan. 11 | Gravesend | Ceres | Warren | Bombay |
| Jan. 12 | Gravesend | Symmetry | Smith | Mauritius |
| Jan. 16 | Liverpool | Forth | Robertson | Mauritius |
| Jan. 16 | Clyde | Jane Haddow | Hamilton | Bengal |
| Jan. 17 | Gravesend | Wilna | Tayt | Cape |
| Jan. 20 | Gravesend | Providence | Ford | Mad. & Beng. |
| Jan. 21 | Gravesend | Elizabeth | Grant | Bengal |
| Jan. 22 | Downs | Thomas Countts | Christie | Beng. & China |
| Jan. 22 | Downs | Sir David Scott | M'Taggart | Beng. & China |
| Jan. 24 | Gravesend | Charles Jameson | Christie | Cape |

GENERAL LIST OF PASSENGERS.

PASSENGERS HOMEWARDS.

By the *James Scott*, from Batavia :—Captain Rowe, late of the 'John Bull.'

By the *Angerona*, from Bengal :—Lieut. Johnson, H. M.'s 28th reg., and Mrs. West.

By the *Sepping*, from Ceylon :—Capt. Jackson, and Capt. Hecton Rose, late of the *Clydesdale*.

By the *Faith*, from New South Wales :—Messrs. Hunt, Dangas, Cory, and Cape; Mrs. Shannon, and two children; and Miss Haigh.

By the *Coldstream*, from Bengal and Madras :—Maj. Lynch, 30th reg.; Capt. Briscoe, 41st reg.; Lieuts. Layard and Forbes, 89th reg.; Baylis, Hon. Comp.'s Artil.; Longworth, Flyter, Robertson, Kennedy, and Durant. Mad. Artil.; John Line, Esq.; Mr. Marriott; Master Francis Gaity; Misses H. Gaity, Burton, and Laplume; Mary MacMahon, servaut; 49 invalids.

By the *Cassandra*, from Bengal :—Mr. Evan Williams, Mrs. Smith, and two children.

PASSENGERS OUTWARDS.

By the *Arabian*, from Liverpool to Calcutta :—Lieut.-Col. W. Clinton Baddeley, C.B.; Mrs Baddeley, three Misses, and Master Baddeley; Misses Holdsworth, M. Holdsworth, Mansell; Younger: Cadets H. C. Baddeley, and J. C. Tulloch; Messrs. Holdsworth, Howarth, Harper, Bell, Alexander, Bates, and Healy, with servants.

THE ORIENTAL HERALD.

No. 51.—MARCH, 1828.—VOL. 16.

EVIDS RESULTING TO GREAT BRITAIN FROM THE EAST INDIA COMPANY'S MONOPOLY.

NOT a month now passes, in which the attention of the Legislature, as a body, or that of some distinguished individuals who form a part of it, is not drawn to the consideration of our present system of ruling India; and to various proposals for making that country of more use, than it is at present, to Great Britain. This is a convincing, and at the same time, a pleasing proof, that the approach of the period for discussing the great question of the Company's Charter, is progressively attended with more general inquiry into the policy of its renewal; and, fortunately, *inquiry* is all that is necessary to convince the nation at large of the imperative necessity for its abolition.

As many of these publications may not find their way to India; we make it a part of our especial duty to search them out, and draw largely from their contents, in order to lay before our readers, in that distant country, the workings of the public mind at home; that they may judge from thence, what will be the interests roused in Great Britain against the continuance of East Indian monopoly, and judge for themselves as to the hopes of freedom from its attendant curse,—arbitrary and irresponsible power.

The latest work we have seen of the description adverted to, is a Series of Letters, addressed by Dr. Elmore to the Earl of Darnley, professedly on the state of Ireland, and the benefits which might be reaped by that country from a free trade, and other measures of practical improvement; but, indirectly, also embracing views respecting the opening of India to British settlers, which are founded on justice, and which are now becoming intelligible to all thinking men in the country.

We pass over the letters which relate to Emigration, Absenteeism, and Population, as connected with Ireland, to come at once to that which relates to India, which we give in the author's own words:

Oriental Herald, Vol. 16.

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'The present system of monopolies, restrictions, and bounties, is exemplified, upon a tremendous scale, by that leviathan of destruction, the East India Company's Charter, the evils of which are most alarmingly great and oppressive on all the interests of the British nation.

'Under this charter, no English merchant can settle, or carry on any trade in China, or any Islands of the Indian Archipelago. No English ship can navigate the Indian Seas; therefore, all the vast and important carrying-trade between China, the Islands of the Archipelago, and any other port of the commercial world, is thus absolutely forced into the hands of foreigners: for the Company will not, nor ever did, engage in this trade. They will not enter into it themselves, nor will they let any other Englishmen, although they see foreigners enjoy full liberty, and they are fully aware that American enterprise has seized with avidity, and taken advantage of, every opportunity to carry on this China and India trade; and such have been the great and lucrative results, that some of the largest commercial fortunes ever made, have been realized by the merchants of the United States, engaged in the trade between China, India, the Indian Archipelago, and the European, American, and in short, with all the other ports of the Old and New World. For these valuable commercial advantages, the Americans tauntingly observe, they are solely indebted to the British system of restriction, which keeps the English merchants and ship-owners completely out of their way, and kindly prevents any commercial jealousy or competition. It is even absurd of an Englishman to talk of freedom, when, by that charter, his personal liberty is grossly and violently infringed upon. An Englishman is the only man in the world who cannot land in India without a license from the India Company; and when he is there under their gracious leave, he may be arbitrarily sent out of the country on the shortest notice, to the destruction of any concerns in which he may have invested capital, and may be thus ruined without trial or redress of any kind. Such was the treatment which that persevering, enlightened, and enterprising traveller, Mr. Buckingham, received.* The Great Mogul, or the Dey of Algiers, are royal tiger-like despots; but in India, an Englishman is subjected to that

* We had at first struck out the expressions here used in the text, but, on reconsideration, have suffered them to stand; first, because, having no personal acquaintance whatever with the author, he cannot be suspected of insincerity in thus expressing himself; and, secondly, because every example of banishment from India, without trial, ought to be repeated again and again, till the people of England are familiar with them from one end of the country to the other. One fact is worth many arguments, in the work of conviction; and we shall not suffer this fact to be unreported, from an affectation of delicacy as to the terms in which it is stated, and which, being the author's own, deserves as much to be retained unaltered, as any other part of his work. *Ed. of the Oriental Herald.*

mental torture, that festering agony of mind which has no parallel, merely for having dared to differ in opinion on any abstract point of policy ; for having expressed a liberal sentiment, or for having urged the application of the common principles of justice, on the notice of the Honourable East India Company's servants.

‘ Had sound principles been sufficiently elucidated, the people of England could not silently have permitted the sale of their right to trade with their own colonies and China, by the government of the day ; nor do I contemplate that any statesman of this day will be found daring enough to recommend its renewal.

‘ This awful monopoly has been more destructive of the trade, manufactures, and commerce of the United Kingdom, than any other on the list of its baneful code of restrictions, and is now producing incalculable evil and misery, by preventing a more general employment of the people ; and, indeed, unless very soon modified or abolished, it must inevitably bring ruin on this empire, from the peculiar circumstance of our having become a nation of manufacturers, and consequently the most commercial and powerful on the globe, which, I do strongly contend, agricultural pursuits alone could never have enabled the British Islands to have achieved, and held that rank in the scale of nations, which they have, by the enterprising commercial spirit and industry of their people, attained.

‘ The occasional seasons of distress which have visited the manufacturing interest, may be objected to me ; and the present fashionable cry, that the periodical want of work which our artisans have been doomed to suffer, was caused by over-trading, and over-production, which has been put down as the source of all the distress consequent on the want of employment of our manufacturers. If the real evil be over-production, the remedy would obviously be under-production, or to manufacture less ; what then would result ? the immediate discharge of thousands from employment ; thus increasing the evil by lamentable additions to the frightful number of our unemployed artisans. The true cause will be found in a want of additional consumers ; and the true remedy must be found in free trade, and more extensive commerce. And millions of consumers are to be found, but, strange to say, the English people, generally, are absolutely the only people who are interdicted supplying them. China and the islands of the Indian Archipelago, containing a population of nearly three hundred millions, and British India with a population of ninety-six millions, present the most promising markets in the world, for the disposal of our prodigious productions, which, with the additional productions of every unemployed hand in Ireland, aided by the best machinery, could not over supply, provided our laws would permit us to take in exchange things which would make us profitable returns, and which are the productions of these climates. In proof, and to exemplify these opinions, I shall make

some extracts from the Reports of the Committees of the Houses of Lords and Commons, which sat to "inquire into the means of extending and securing the foreign trade of the country." These reports state :

' To estimate fairly the precise amount of its increase, it must be admitted that its progress has been such as to indicate, that neither a power to purchase, nor a disposition to use commodities of European manufacture, is wanting in the Natives of British India; whilst the minute knowledge of the wants and wishes of the inhabitants, acquired by a direct intercourse with this country, would naturally lead to a still further augmentation of our exports. The great increased consumption cannot be sufficiently accounted for by the demand of European residents, the number of whom does not materially vary; and it appears to have been much the greatest, in articles calculated for the general use of the Natives. That of the cotton manufactures of this country alone, is stated, since the first opening of the trade, to have been augmented from four to five-fold.

' The value of the merchandise exported from Great Britain to India, which amounted in the year 1815 to 870,177*l.*, in the year 1819 increased to 3,052,741*l.*

' It may be remarked, that although the Native Governments of India have been generally supposed to be unfavourable, upon system, to foreign commerce, no recent instance of such disposition has been adduced; the French, on the contrary, are stated to have been remarkably successful in some recent attempts to open a commercial intercourse with Cochin China; and the recent knowledge which has been acquired of the manners and habits of the inhabitants, in some of the islands, of the Malay race, leads to a much more favourable opinion of their character and aptitude for civil and commercial intercourse, than was previously entertained.

' On the one hand it is confidently stated, that the low rate of British freight, and other advantages possessed by the British merchantmen, would enable the British free trader to enter into an immediate and successful competition with those of other countries, and more particularly the United States, by whom these branches of commerce have been carried on for some years past, with every appearance of progressive increase and prosperity; that, thus, a portion of Europe might be supplied with tea by the British trader; that the export of furs from America, which now takes place even from the British territories in American vessels, would be carried on by British shipping; and that, at all events, that portion of the Eastern trade, which is carried on by the export of British manufactures in American vessels, would fall into the hands of the British merchant, with greater opportunities of extending it, afforded by a more direct intercourse.

' In the course of the last few years, the imports of the United States into China comparing an average of the years 1804-5, 1805-6, 1806-7, with an average of 1816-17, 1817-18, 1818-19, (being the last years of which the Committee have received an account) appear nearly to have doubled. It is alleged, that the principal part of these imports consists of metals and other articles, which the merchants in the United States have a greater facility in procuring than those of other countries; there can be no doubt, however, that articles of British manufacture are directly

exported to China from this country by Americans; and it appears, from an account procured at the Custom House, that the declared value of those articles exported to countries, within the limits of the East India Company's Charter, in foreign vessels, and presumed to be chiefly to Canton, was, in the last year, to the amount of 178,358*l*.

'It appears certain that the Trade with India, whether of import or export, has materially increased since 1814; and that the increase has been effected by the private merchants, while the trade of the Company has experienced a diminution. The House will find it stated, in some part of the evidence, that the trade has been recently attended with loss; at the same time there is sufficient evidence, that the taste and demand for British manufactures, has been gradually progressive since the opening of the trade, and that those manufactures have found their way to parts of India, and the neighbouring countries, which they had not been accustomed to reach.

'Your Committee, before they proceed to consider how far the restrictions, to which the Indian trade is still subjected, may have counteracted the facilities granted by the acts, think it right to make an observation, which, whether in considering this or any other branch of trade, ought never to be disregarded.

'Whenever a question arises, to grant or withhold a permission to carry on unrestricted trade, with whatever part of the world, in whatever ships, and whatever commodities, the burthen of the proof rests upon those who propose to withhold the permission, or to impose the restriction. Restriction, as your Committee have observed in a former Report, being in itself an evil, requires, as well for its continuance as its original imposition, a special political expediency to support it.

'This is a principle no less of justice and duty, than of commerce and policy. To show, therefore, that a measure from which, when proposed, great expectations of advantage were entertained, has not been followed by consequences beneficial in proportion to the sanguine anticipation of them, is not sufficient to authorize an opinion, that the measure ought not to have been adopted; for that purpose it would be necessary to show, that positive and considerable evils have resulted from it.

'The American export trade, which has hitherto been chiefly confined to dollars, purchased at a premium in America, or shipped by a circuitous voyage in England, Lisbon, and Gibraltar, has been considered as generally unprofitable. The Americans are, therefore, well contented to avail themselves of a channel of remittance by which they can realize the prime cost and insurance of their investment; and are consequently enabled to undersell the Honourable Company, by the absence of those heavy charges which their invoices usually bear.

'The great evil, however, which we are led to anticipate from this encroachment, is, *the death-blow which it inflicts upon the monopoly hitherto enjoyed by the Company*. It is not so much the amount as the uncertainty of that amount, which the very great fluctuation in American commerce renders incalculable, and which at once converts a trade, hitherto considered as regular and secure, into a most uncertain and dangerous speculation.

'If, then, the American trade with China, no longer secondary and subordinate with that of the English Company, has indeed met it in successful rivalry, the wisdom as well as the equity of excluding British subjects from the competition, becomes more and more questionable.

'The connexion between the China monopoly and the free trade to the Eastern islands and Cochin China, depends chiefly upon the fact, of which there is abundant evidence, that the produce of these islands, though very valuable, is not suitable to any European market, or indeed to any other extensive market than that of China. Although, therefore, there appears to be among the Malays a considerable demand, capable of much extension, for British manufactures, (especially cotton goods, iron, and steel, copper and woollens,) no sufficient returns can be procured for these articles, otherwise than by way of China, or perhaps of Bengal, with a view to re-exportation to where the island produce may be exchanged for merchandize exportable to Europe. The exportation, therefore, of our manufactures to these islands is greatly impeded by the want of a return, which nothing but a permission to seek it at Canton can insure.

'Another channel of commercial intercourse with China has been pointed out to your committee, which is not only valuable in itself, but important as illustrating the possibility of extending the demand of British manufactures in the Chinese provinces, if that cheap and plentiful supply can be provided, which can hardly be expected but from the enterprise of individuals.

'It appears that a trade of barter had for many years been carried on between some merchants of Moscow and a few individuals of Chinese Tartary. In 1800, the two Governments turned their attention to this traffic, and made it the subject of a kind of commercial treaty. Since 1811, a variety of British manufactures have found their way to Kiatcha, which is the seat of this rising traffic; and in the last year, no inconsiderable quantity of British woollen cloths, camblets, silk handkerchiefs, muslins, and Manchester goods, in company with foreign European produce, were bartered to Kiatcha for teas and other products of China. It appears, however, that the difficulty of introducing British manufactures into China, through Russia, is increasing; a circumstance which, coupled with the evidence which the partial success of that circuitous traffic affords, of the value of the provincial market of China, ought to stimulate this country to every measure by which a more ready and direct intercourse with that great empire may be accomplished.'

'Still by bad laws we are deprived of the vast advantages to be derived from the China and India trade, because, forsooth, it may affect the interests of the few—although they are the *rich few*, and you, agriculturalists and manufacturers, are the poor *many*; ye shall suffer, ye millions! It is your charter, say the interested, ignorant and hard-hearted advocates of the monopoly system; you must be miserable slaves to support our antiquated and barbarous code of trade. We have our charter! and by its exclusive privileges we, the few, may play the petty, yet mind-torturing tyrants—the plundering despots in distant regions, at the expense and impoverishment of tens of millions there, and also the infringement of the rights and interests of millions here.

'If the people, the producers of Ireland, England and Scotland, are to be relieved, the East India Charter of monopoly must be destroyed, or at least never renewed. There must be that which is natural and highly beneficial to both parties, a free interchange of the productions which the circumstances of each country and cli-

mate enable the inhabitants to make, with the least possible disadvantage, and in the greatest abundance. Thus, for instance, the mild climate of these Islands, with the great natural advantages of coal and minerals, permit our people to be congregated in large factories, where they can be aided by steam-engines and machinery ; which also permits them to work in large foundries, exposed to the great heat of furnaces ; such employment the natural heat of the climate in India renders quite impossible. The effect of these additional powers enables us to make goods cheaper than hand-labour can do there ; on the other side, the natural heat and soil of India are peculiarly suited to the productions of cotton, indigo, sugar, coffee, silks, and so forth ; articles which we could not produce at treble the expense, if at all ; thus the *natural* advantages of all nations tend to mutual interchange and improvement. Nothing has spread civilization more than trade and commerce, by exciting ingenuity and industry, and by directing, to the most beneficial and useful channels, the natural resources of different countries, diffusing and increasing enjoyment and happiness amongst mankind.

‘ But the Governments of various countries have seriously, by their monopolies and restrictions, obstructed that freedom of trade which alone can be productive of great and grand results : they prevent one people from profiting by the inventions and discoveries of another, suppress enterprise, silently but surely destroy those they profess to encourage, force trade into circuitous and expensive channels, and frequently give advantages to foreigners over the people, whom, by such preposterous policy, they affect to protect.

‘ There is another highly important and beneficial moral end, accomplished by a free and unrestricted commercial intercourse between nations ; it diffuses a love of peace and good will among all men, conveys knowledge, the arts and sciences to the most distant parts of the habitable globe, and binds together in amity the most distant states, by the great bond of reciprocity and mutual interest ; proving to all the communities of the earth, that their comforts and enjoyments are dependent upon each other in a great measure : for, whatever may be the representations of wicked and interested men, turbulence at home, and war abroad, are the greatest scourges which can be inflicted upon a people.

‘ Much has been said, and it has been strongly contended for by many well-meaning men—that it is more to the advantage of the people of any country to consume the manufactures of their own nation, than the manufactured products that are imported from foreign states ; but it should be recollected that it is not possible, for us to consume any other thing, than the products of our own toil and industry. In order to obtain foreign articles, must we not export some home-made articles to pay for them ? Do we procure the wines of France or Portugal, or teas of China, without paying for them ? The people of those countries are not so generous or

prodigal as to give them to us for nothing. How can, or do we pay for them, but by exporting some of our manufactured cottons, linens, woollens, hardware, and so forth, either directly to the French, Portuguese, and Chinese, or indirectly, by sending our goods to some other country or people, from whom we obtain gold, with which we pay them? Is it not, therefore, most evident, that when we are drinking French wines, &c., &c., we are really and substantially consuming, indirectly, the produce of our own land and labour, together with the difference of value of the two things exported and imported; for be it clearly understood, that all articles imported must bear a greater relative value here, than the thing exported? On the principle that we never give one thing for another in exchange, unless we want that which we receive more than that which we give—for instance, if I give one guinea for a hat, I do so because I want the hat more than the guinea, and the same motive that induces me to take the hat, operates on the hatter, who wants the guinea more than he does the hat. Thus a mutual interest is gratified; as it is with simple exchange, so it is in the immense commercial exchanges which take place every day, in all quarters of the world; for the people of any nation will not exchange the produce of their country for the produce of any other, unless they want the articles which they receive, more than the articles which they give for them in exchange.

‘It is clear to demonstration, that as nothing can be more selfish, so nothing is more absurdly foolish, than the fear of the progression of other nations in wealth. If we were allowed to find a free mart for our goods in France, surely it would be much better that a large portion of the French people should have wealth enough to buy them with, than that only a small portion should be so able. The interests and real glory of every people will be positively and more permanently advanced, by their agreeing to enter, with the spirit of honourable and amicable rivalry, into the field of commercial competition, than by futile attempts to obtain a useless pre-eminence, through the means of a bloody and devastating war, which is generally pursued for the gain of a few, at the cost and destruction of millions. It is the interest of the consumers of every country, to purchase commodities at the cheapest, rather than at the dearest markets; and it is equally their interest to abstain from manufacturing, or growing any article, which can be imported at a less price than would be required to produce it at home. For one of the great advantages of interchange between two countries consists in this, that it enables the people of each to obtain articles, for the making of which the one country has no national capabilities or advantages, but which the other possesses.

‘It is, therefore, one of the most serious evils arising from our monopoly, bounty, and prohibitive system of trade, that it prevents people using as much of many articles as they might be disposed to

do ; for the enormous expenses of the system are borne by the consumers. The merchant trading to South America would take sugars, the produce of the land and labour there, in exchange for the manufactured goods he takes from these countries, which it would be the interest of the merchant to do, but for the heavy commercial restrictions of his own country, imposing ten shillings a cwt. higher duty on it, than on West India grown sugar ; this prohibitive duty, of course, prevents the merchants bringing South American sugar. Thus, two sets of consumers are debarred using as much, or as many articles of enjoyment as they may desire, from the circumstance of this one article, sugar, being placed, by the additional duty, above the means of the many to purchase. It is clear, if the duties were equal on all sugars, the competition of the sellers would render them so much cheaper, that ten, nay, a hundred times greater quantity would be sold and consumed, and of course, ten, or a hundred times more manufactured articles must be made and shipped, to pay for them in South America, where the people would be glad to receive them in exchange for sugar, and those things which they can produce : and unless we do so, they cannot take those things which our artisans have made. The consequence is, commerce languishes from want of demand, which, of course, re-acts upon the producers in both countries, and causes the results which I have before alluded to, those periodical seasons of distress arising from want of consumers, or, in other words, demand for the produce of our operative manufactures, and of the sugars, indigo, &c. of South America. Such are some of the effects of monopolies, bounties, and restrictions : these, and these alone, are the causes of the dreadful fluctuations in trade.

‘ These are alone the causes why it is not the interest of the English capitalist to go and form establishments for the employment of the Irish people. These are the remote causes of the immense numbers of the Irish people coming over here, and driving the English labourers to be supported by the poor-rates ; and to the removal of them alone, can we look for national relief. I am fully convinced, that had the East India monopoly been rescinded, and an equalization of the duties on all foreign productions taken place five years ago, the enterprising spirit of England would have found demand for the work of every unemployed hand in Ireland, and then her increasing population would have been a certain source of wealth to the agricultural and every other interest in the country. In short, until she becomes a second Lancashire, and can support six hundred people on the square mile, instead of finding, as she now does, two hundred and twenty an insupportable burthen on the landed interest, which she may do by pursuing such measures, otherwise the interest of the present owners must be completely destroyed.’

After reverting to other topics arising out of his main subject,

Ireland, and pursuing them through several interesting and well-written letters, all addressed to the noble Earl already named, the author closes the series by a summary of his views respecting the measures of relief for Ireland, which are worthy of being repeated at length. He says :

“ In summing up and concluding these letters, I shall endeavour to answer all the objections that I can conceive to the propositions here made, and in doing this I shall begin with those Lord Liverpool made to the deputation from the south of Ireland, consisting of His Grace the Duke of Devonshire, Lords Donoughmore, Cork, Shannon, Carbery, Riversdale, Ennismore, and many others of the great landed proprietors, whom I had the honour to attend in 1825, for the purpose of laying before his Lordship the state of distress of the unemployed poor of that part of the country, and to solicit the Government to adopt some of the “expedients” here suggested.

“ The one of a loan of money, to be invested in buildings and machinery, those immoveable parts of manufacturing establishments, was urged on his Lordship’s attention on the principle, that it was a belief in the want of security of property in Ireland, that prevented individuals making such investments there, although many people might be disposed to invest *moveable* property in Ireland, which in case of disturbances, or threatened rebellion, they could easily withdraw ; but that few people were disposed to make such permanent investments as buildings and machinery, which they could not withdraw. It was also urged that if insecurity of property did exist, it must have arisen from bad legislation, which, since the government were not disposed to do away with the cause, to amend its effects, the apprehension of insecurity on the mind of capitalists, the government were bound to grant a bonus, or insurance, to encourage those who would not otherwise invest capital there.

“ The objections urged by his Lordship would have been sound, if applied to a sound state of things ; they were “that loans were expedients, and contrary to political economy, and that as such, it was the determination of his Majesty’s Ministers not to use them!” That his Lordship hoped, “capital would find its level, that it would flow over from England so freely that a general employment of the people would be the result, and that there were no precedents for any such advance of public money.” In answer it was allowed, that it was an “expedient,” and that such expedients were alone justified by the necessity of the case, that necessity alone could justify the “enormous expedient” of paying two millions a-year, to support the military, constabulary and peace-preserving establishments of Ireland ; that it was an expedient for the government to feed the starving people there in 1822, which was allowed to have been a famine of means to buy food, and not of food. That the

emigration plan is an "expedient," and allowed to be the most expensive one, that has been by any one suggested; that the object of the "expedient" now proposed would do away with the necessity of the last, and prevent the possibility of a recurrence of the first; that it had these great advantages, it was the cheapest and least onerous, and its plan as an expedient would, at least, be attended with the employment of the people to a certain extent.

"In regard to the objection, "The want of precedent," his Lordship was referred to the bill, which, it was believed, had been brought in by his Lordship himself, in 1816—17, to grant the loan of one million and a half of money, for the purpose of providing employment for the unemployed poor of one English county alone: to the loan of one million to the black settlement of Sierra Leone: to the loan to the merchants under commercial embarrassments in England: a small one to the same class in Ireland: to the loan to aid the private iron works in Wales. To these we may now add, the loan or grant to employ, on public works, the very people who have been sent, and it is proposed to send, to Canada. I assert, that to allow capital to find its level, it must not be opposed by insurmountable obstructions; that it is unjust, paradoxical, and unsound legislation to impose obstructions to the free flow of capital, and then to say, you shall not use expedients to get over there; neither will we remove them. Under such circumstances, what is it but the height of mockery and absurdity to say, let capital find its level. I now say, remove the great political cause which prevents the free flow and employment of capital in Ireland—the Penal Code. And remove the obstructions to our finding demand, or consumers, for the productions of Irish, English, and Scotch labour, who are to be found in the East Indies, and all the countries under the Tropics: allow us to take the only payment the people of those countries have to give, which would make us highly satisfactory and profitable returns for our exported manufactures; and then Ireland will neither ask nor require the use of any loan or expedient; until then, as I have shown in the preceding letters, Englishmen will not find it to *their interest* to invest capital in Ireland, even were the natural advantages that country possesses much greater than they are. These means would completely supersede the necessity of emigration, and the necessity of sending out money to Canada to employ the emigrants when they are there.

"The necessity of a free trading intercourse with our own colonies, in the East Indies, was especially urged by the deputation on his lordship, which could not be rejected because it was contrary to the principle of political economy, as it is in full accordance with the soundest doctrines of that science; but his Lordship's objections were, that it was a subject of too much importance for present consideration; that it would interfere with vested rights, and

that, in a few years more, the charter of the East India Company's monopoly would expire. It was answered, that as the first object of the deputation had been refused on the ground of its being inconsistent with the doctrines of political economy, surely, when the application of the soundest doctrines of that science would indirectly obtain the object of employing the Irish people, for the sake of consistency it should not be refused, particularly as the first experiment of the just principles of free trade had been made on poor Ireland, by the taking off her bounties on linens, which was submitted to without a murmur. Why, I will ask, was not the first experiment made on those who are so much better able to bear it, the rich East and West Indians?

It was also urged that it might be so arranged, that the vested rights of the few could be safely provided for, and that the original cause for granting the bounty on sugar, to the West Indians, had been done away, by granting free trade in West Indian produce to their merchants; and it was further urged, that it was the magnitude and importance of the question, on the happiness of so many millions of people in these countries, and of tens of millions in the East Indies, that rendered the consideration of the question so imperative at present. It was then shown, what were likely to be the important and vast results of employing the people of Ireland, on the British treasury alone: that Ireland contains half the numerical amount of people that England, Scotland, and Wales do: that the latter are able to consume exciseable articles, and pay in direct taxes the amount of over fifty millions sterling, per annum; that the former should, under a sound state of things, be able to pay twenty-five millions, instead of which she cannot pay taxes enough to support the expenses of the government of Ireland. This does not arise from the want of desire in her people to enjoy and consume exciseable articles, but from their want of means to buy them. The Irish people have as great aptitude to consume wines, spirits, tobacco, tea, sugar, and all other things which are directly or indirectly taxed, as the English or Scotch people have. Raise them one or two grades higher in the scale of consumers, and inevitably the revenue will be augmented to an incalculable extent; it is therefore a consideration, as a matter of pounds, shillings, and pence, for the due deliberation of Financiers.

Lord Liverpool then said, that he did not expect such a strong case could have been made out, or he would have had with him Mr. Canning, Mr. Robinson, Mr. Huskisson, and others of his Majesty's ministers; but that he should feel it his duty to consult them more fully on the subject, and communicate the result to his grace the Duke of Devonshire. His Lordship's lamented illness took place soon after, and nothing was *done* for Ireland, although it had been clearly shown that much had been *done* for the people of England, under the pressure of circumstances, as well as for the Black settlement of Sierra Leone.

'It may be objected that under the present state of embarrassment, when the administration is harassed and distressed by the alarming state of defalcation and dilapidation of the finances brought on the country, not by themselves, but by the policy of their most honourable, worthy, and enlightened predecessors, for the last thirty years; a policy which has entailed on generations yet unborn, incalculable, and, I fear, irremediable evils: it may, I say, be objected, that the present is no time for doing any thing demanding an expenditure of money, particularly as the benefit must be remote. I answer, I am asking for national retrenchment, and for a revision of those laws which have long been an opprobrium on the spirit of wisdom, which should direct human institutions generally, and these realms in particular.

'I ask that the savings of those retrenchments be applied to the relief of a people who have long been the wretched victims of misrule, and towards whom the commiseration of the civilised world is directed. A people on whom has been inflicted every scourge that the worst passions of man could engender, fire, sword, spoliation, confiscation, thrice repeated plague, pestilence, famine; and on whom the demoniacal spirit of bigotry, intolerance, and fanaticism has been let loose, and under the mask of religion has spread division, discord, and murder throughout the land! My object is to endeavour to heal some, or all of these, by consigning to the silence of the tomb, all past heart-burnings; and recommending that the civilising bond of mutual interest may be aided, and set into immediate action, by a more enlightened and humane policy; and, finally, that reparation be made for those Acts of Parliament, which suppressed the rising manufacturing energies of the Irish people, by setting them up in business again. This may be contrary to the received notions of what has been misnamed political economy; but all I know of the uses of governors, is, that it is their duty to direct the means, placed at their disposal, so that they may be productive of the greatest possible quantity of good, to the greatest number of the people. If political economy will not do this, under the present social arrangements, I want it not, I want that which will, I care not what name it bears. However, some of the first political economists of the present day, Messrs. Say and Sismondi, have recommended the advance of capital, by the French Government, to encourage the silk trade, even recommending a tax for that exclusive purpose; and their authority was especially urged by Colonel William Maberly, in a luminous and powerful speech, in advocacy of a motion he made in the House of Commons, for an advance of money, to employ the Irish people, a speech replete with sound argument, and breathing philanthropy in every sentence; during which, this young member was repeatedly cheered by the House, and was flatteringly and particularly eulogized by the late Mr. Cairning on that occasion.

‘By some people it may be deemed that I have dwelt too much in these pages, on the INSECURITY QUESTION; to them I answer, that it is my firm conviction, from long knowledge of the people of Ireland, that *permanent peace, tranquillity, or security of property*, cannot reign in that country, until the remaining penal laws are erased from the statute book.

‘It may be also thought that I have laid too great stress on the Free Trade question.—My answer is, that if it be indispensable to employ some millions of people, which I hold it to be, and when I contemplate the immense quantity of manufactured articles millions are capable of producing, even in an hour, and carrying on the contemplation to the produce of a day, a month, or of one year, I feel the necessity of most strongly pointing to the abrogation of those laws, which prevent us at present from finding certain markets for such enormous supplies, which it was necessary for me to be quite sure could be found, otherwise my recommendation, of employing the people on manufactures, might fairly be considered as unsound. If the laws or restrictions of foreign countries prevented our trading with them, an insurmountable difficulty might then be presented; but when our *own* legislation prevents our *own* people *only*, from trading with half the population of the world, too much cannot be said or written on the subject, until the evil is remedied, particularly also when, I trust, I have made the connection between this subject, and the employment of the people of Ireland, clear and unequivocal.

‘It may be answered, that it is impossible to interfere with the East India Company’s rights. Their rights I think might be adjusted equitably, by giving the bondholders *even a larger annuity* than their bonds now produce them, until their Charter expires; and if that will not be acceded to, for the present, while manufactories are establishing in Ireland, which could not probably be brought into extensive operation, before the expiration of that Charter, I would propose to let the sugars of our eastern colonies be placed under less severe prohibitions,—take off ten or fifteen shillings a cwt., and then they will make profitable returns to our merchants, who will find it their interest to pay for them in our manufactured goods, for which there would then be ample demand; and also let us relieve our shipping interest, by opening the carrying-trade of the India Seas, and let them compete with foreigners, in the honest spirit of rivalry, and redeem the character of our laws, from that preposterous policy, which showed them to be framed to favour foreigners; for now they are only acting against the interest of Englishmen, and render us the laughing-stock of those who are gaining so immensely by the continuance of such legislation.

‘A variety of plans for the relief of Ireland have been proposed, and among others a very interesting and benevolent one by William Allen, that of dividing the land into very small portions, on

each of which a comfortable house is to be built. In this way he proves that Ireland could maintain, in a high degree of comfort, millions more than its present population : as far as this plan can be applied to improve the condition of the cottiers, it will do good ; but under present tenures, and a thousand other things, it would be a waste of good intentions to expect that it could be applied to benefit the present millions, as speedily as their miserable state requires.

‘ Another plan for the employment of the people has been put forward, that of forming a ship canal through Ireland, from Dublin to Galway, of cutting Ireland in half ! This second edition of the Castle-reagh plan appears to have been put forward without reference to the charges for its use, which would, even for the purpose of keeping it in repair, necessarily be so high as to render it useless ; as, from a calculation that has been made by intelligent men of business, taking the averages at the lowest rate of tonnage charged on any canals—the hawling, port charges at both ends, and toll tonnage for a ship only going once through it, the whole would amount to more than a vessel could possibly afford to pay out of any rate of freight now to be obtained for a voyage to the West Indies or elsewhere. The other serious objection to it, as an employment for the people, is, that it is local and not a re-productive one ; when the work is done, it is done with. Comparatively, it may benefit a few thousand labourers on the line it is to pass through ; but what will it benefit those in the South or North of that country ?

‘ My Lord, the plan I here propose of relieving the people of Ireland, by finding re-productive manufacturing employment for them, is neither new nor visionary ; for its practical effects we have only to look at home, both in England and Scotland, and contemplate the extensive and valuable results on all the great interests of the empire, the agricultural, the trading, and the commercial, to convince us of the incalculable and important advantages to be derived from thus employing the people. That the time has arrived, when something must be speedily *done* for Ireland, I am satisfied, and that the first and best thing is to pursue a sound, liberal, just, and enlightened policy towards her, in the full spirit of legislating for the happiness of the *many*, and not merely for that of the *few*. That the measures here advocated would wonderfully raise the rate of wages of the majority of the people of Ireland, and that the increased value of their labour would enable them to become far greater consumers of excisable and all other articles, by which the revenues of the country would be increased some millions in a few years, I have no doubt ; and I am satisfied, that thus will be achieved a measure which the Emigration Committee seemed to imply was indispensable to the well-being of both countries, but to accomplish which they suggested no mode whatever, leaving a blank which only their expensive “ expedient ” of emigration would not in the least fill up or remedy.

‘ And I must add, that it appears really strange that they should have wound up their labours, by recommending a remedy which would cost such an enormous sum of money, without even expressing an opinion of the propriety of making an experiment on any plan proposed, as likely to raise the wages of labour in Ireland, and prevent the further reduction of wages in these parts of the empire.

‘ For myself, I own I am sanguine, excessively sanguine ; the measures here proposed would be successful, from the circumstances of success having attended such efforts in every country, where they have been tried. In Spain, Portugal, Poland, Ireland, in short, in all purely agricultural countries around us, poverty exists in the greatest degree, both among the people and their governments ; while, on the contrary, the commercial and manufacturing nations are much richer in comparison. Whether we view the ancient or the modern states, the Carthaginians, the Venetians, the Dutch Republics, or the last and most splendid instance, which Britain herself offers ; or to refer more immediately at home, to the high poor-rates in the agricultural, and the low poor-rates in the manufacturing counties, we find improvement and education every where the result of manufacturing and commercial industry.

‘ And, as a further confirmation, do we not see our enlightened neighbours, the French, and the active enterprising Americans, exerting every nerve and sinew of their resources, to become manufacturers, satisfied of the great national advantages to be derived from manufactories, trade, and commerce ? Their example ought to induce us to stimulate all the energies of Ireland, otherwise those nations will run past us in the general career of the improvement and happiness of the people.

‘ I conclude, my Lord, saying with Horace :—

“ Si quid novisti rectius istis,
Candidus imperti ; si non, his utere mecum.”

STATUE TO THE MEMORY OF THE LATE STEPHEN BABINGTON.

THE beautiful statue by Chantrey of the late Stephen Babington, Esq., of the Bombay Civil Service, which many will remember as having been in the Exhibition last year, was safely shipped at Gravesend, on board the Company's ship *Abercrombie*, Robinson, on the 16th ult :—the Honourable Court of Directors having resolved to send it to India at the public expense. We understand, from good authority, that the celebrated artist considers it one of the happiest efforts of his genius ; and we may therefore congratulate the Presidency of Bombay on the possession of the finest specimen of sculpture which will have reached Asia in modern times. An obelisk, ordered by the Native subscribers, to a monument over Mr.

Babington's remains at Tannah, where he fell, is also placed on board the same vessel.

If any circumstance could, in addition to the tribute which the European Society of Bombay has paid to Mr. Babington's memory, mark the excellence of his private as well as public character, it is the affection which the Natives have, in this unusual manner, shown to their departed friend.

Mr. Babington's talents seem first to have been discovered and called forth by Sir John Malcolm, whom he accompanied on his mission to Persia, and by whom, while yet scarcely arrived at manhood, he was left for some time in charge of the political agency at Bushire. Sir Evan Nepean, doubtless made acquainted with his superior abilities, immediately on landing as Governor of Bombay, appointed him his private secretary; and he afterwards successively rose to the offices of Political Secretary to Government, Zillah Judge, and lastly, Judge of the Court of Sudder Adawlut, the highest judicial appointment in India. But the most flattering, and at the same time the most arduous duty, it was reserved to the late Governor, Mr. Elphinstone, to select for him, by nominating Mr. Babington President of a Committee for revising the revenue and Judicial Code of Regulations of the Presidency of Bombay, which revision, it was understood, would be made applicable to the other Presidencies; so that, at the early age of thirty-one, this distinguished individual was vested with the singular power of amending and proposing laws intended for the general government of our vast Indian empire. The accident, which deprived the public of the services of this gentleman, is too well known to need a detail at the present time. Its recital would only serve to open wounds yet scarcely healed.

About one-third of the difficult task, which was imposed on Mr. Babington, was completed at the time of his death; and through the medium of the following statement, made by his successor in office, we are enabled to present to our readers the details of his labours.

LETTER OF MR. BABINGTON'S SUCCESSOR IN THE COMMITTEE.

Bombay, 21st June, 1823.

I enclose a list of the drafts of Regulations prepared by the Committee, and forwarded to Government, while our esteemed friend was President. The first thirteen embrace the whole of the Civil branch of the Code; the fourteenth belongs to the Revenue.

This may be well said to be more than one-third of the whole task of re-modelling the Code, because, independently of the extent of the Civil branch, there are inserted in it at length various funda-

mental provisions applicable to other subjects, which, when once enacted, require merely to be cited in other places.

There were also some drafts, but in an unfinished state, on the subject of Police, as follows :—On Village Police ; on District Police ; on Zillah Police ; on the Police of Sudder Stations. Correspondence, Lists of Queries, &c., it would be in vain to attempt to estimate, though they add greatly, probably a fourth, to the duties of the Committee.

It may be observed, that, of all productions, Regulations are the least showy in displaying the quantity of work done. As the object is to simplify and condense, the greater the pains bestowed, the shorter, within certain limits, the Regulation finally becomes. In framing a Regulation, twice as much, and often three times as much, as the Regulation in the end contains, may, probably, be estimated to have been written.—Yours, very truly,

C — N —.

LIST.

A Regulation for constituting courts of justice and defining the powers and duties of the judges and officers thereof.

A Regulation to facilitate the amicable adjustment of disputes of a civil nature, by means of arbitrators.

A Regulation for trying and deciding disputes regarding the boundaries of villages, by means of a special commission.

A Regulation prescribing the forms of proceeding in the courts of law in civil suits and appeals.

A Regulation containing provisions as to courts of justice—their sittings, the mode of communicating with them, the mode of keeping the minutes of their proceedings, the sealing, signing, and language of process, and granting copies of papers within records.

A Regulation directing by what law the judgments of courts of justice are to be governed, and in what manner such law is to be ascertained.

A Regulation for admitting persons to sue or defend, in suits or appeals, in *formd pauperis*.

A Regulation prescribing the rules by which titles to exemption from the payment of revenue are acquired by grants and by prescription—the limitations in regard to actions of various descriptions—and a special limitation as to bonds granted under former Governments by cultivators.

A Regulation for ascertaining the rate of interest, and fixing a limitation to the running thereof in certain cases ; and for prescribing rules as to tenders of payment, and the possession and rate of property mortgaged and pledged.

A Regulation for levying a stamp duty on certain law and other papers, within the territories subordinate to the presidency of Bombay.

A Regulation to provide for the formal recognition of heirs, executors, and administrators, and for the appointment of administrators and managers of property by the court.

A Regulation for establishing a register of deeds, obligations, and other writings in each zillah throughout the territories subordinate to the Presidency of Bombay.

A Regulation for the appointment and removal of kazees, and for ensuring an efficient and regular discharge of their duties.

A Regulation for defining the duties of village accountants and prescribing forms for the different registers which they are to keep.

WOMAN'S FRIENDSHIP.

THERE is an ecstasy above,
 The rich delight of woman's love ;
 A feeling free from passion's dross,
 Enhanced in value by the loss ;
 Which holy hermit's heart may fill,
 And yet the saint be holy still.
 'Tis woman's friendship—constant, kind,
 And sensitive as woman's mind.
 It is a flame more inly pure,
 More mild than love—and 'twill endure.
 Love's fuel soon may be consum'd ;
 Beauty will fade when youth hath bloom'd ;
 But woman's friendship, ever green,
 In age's winter best is seen.
 Then shall its verdure far excel
 The brightest shades in Paphian dell.
 Man seldom knows it ; avarice, fame,
 Ambition, pride, assume its name,
 And ape its actions, but the cheat
 Is soon perceived, when interests meet.
 If they but clash, his friendship flies ;
 And cold reserve its place supplies.
 Yet men there are, though they be few,
 Who own the charm, and feel it too ;
 Who are not villains, though they smile ; *
 Who know the world, yet shun its guile.
 Believe me, Clora, one of those,
 And thine the kindred heart I chose,
 And still shall cherish near mine own,
 Till into one the twain be grown ;
 One in affection and in hate,
 One through the smiles and frowns of fate.

B. G. B.

* 'A man may smile, and smile, and be a villain.'—SHAKESPEARE.

PROGRESS OF ORIENTAL LITERATURE.

SINCE the publication, in 1810, by M. Ouwaroff, President of the Academy of Sciences at St. Petersburg, of his project for an Asiatic Academy, and since his foundation of an Asiatic Museum, the study of the Oriental language has made rapid progress in Russia. Besides the two chairs in the university, filled by Professor Senkowski, who teaches the Arabic and Turkish, and M. Dschaafar, who teaches the Persian, which is his native language; the Emperor founded last year an Oriental Institution, which is now in full activity. In it are taught the Arabic, Persic, and Turkish languages, and to these are added the Tartar, Mongol, Kalmuck, Mantchon, Chinese, Armenian, and modern Greek. The Arabic is taught by Professor Demange, and the Persian by Professor Charmay, both from Paris; the Turkish is taught by Counsellor Vlangali, a native of Constantinople. Together with this establishment, there are many others at Orenburgh, Casan, Astrakan, Teflis, Omsk, &c. The following is a brief notice of some remarkable works which appeared last year:

A Report, by Ibn-Fosglan, and other Arabs, on the ancient Russians; with text and translation, and critical and philological remarks, in German, by Professor Frähn.—A Supplement to the General History of the Huns, Turks, and Moguls, containing an abridgment of the history of the dominion of the Usbeck Tartars in Great Bucharia, from their establishment in the country, to the year 1709, and a continuation of the History of Kharizm from the death of Aboul-Ghazi-Khan, to the same period; by J. Senkowski.—Researches on the Religious, Political, and Literary History of the Ancient Inhabitants of Asia, principally of the Thibetians and Mongols. In German, by Schmidt.—*Numi Cufici, qui in Imperatores Augo Museo solitario Petropoli servantur. Recensuit C. M. Frähn.*—*Numi Cufici anecdoti ex varis museis selecti et illustrati*, by the same. These two Memoirs are inserted in the Memoirs of the Imperial Academy of sciences of St. Petersburg, for 1834, which also contains—F. Munteri, episc. Selandiæ, *Comment. de numo plumbeo*.—Zenobiæ, *Reginæ Orientis, et æneo Palmyreno*; together with a Memoir on the Royal Castle of the Bosphorus, and of the city of Gargaza in the Golden Chersonese, by M. Kohler.

The 'Son of the Country,' one of the best Journals in Russia, speaking of the progress of Oriental Literature says, 'that they rejoice at the change which is taking place with regard to their relations with the East. Formerly, it was through Western Europe that information respecting Asia reached them; but now it is taking its natural direction, and fixing in Russia as the point of departure, to arrive at the other parts of the civilized world. Honour and glory to the protectors of the sciences! and our best wishes and thanks to all who contribute to carry their praiseworthy intentions into execution!'

INQUIRY INTO THE RIGHT OR JUSTICE OF THE PUNISHMENT OF DEATH.

IF antiquity has an undoubted right to the admiration and to the gratitude of all ages, it is without doubt for the attention it gave to the study of morals and the practice of the virtues it dictates. The schools of Pythagoras, of Zeno, of Socrates, offered not, like the academies which have succeeded them, a scandalous contrast between argumentative reason and practical vice. With them the sublime precepts of philosophy expired not within the walls of their schools; they dignified both the man and his conduct; and, after having taught wisdom in their academies, these great and eloquent men, added, in the commerce of life, in the forum, and by the domestic hearth, the authority of example to that of their theories. Then the greatest of orators, and the most virtuous of monarchs, were in the senate and on the throne the same as they were on the benches of the Portico,—the friends, the defenders of the human race. With slavery sprung up all the laxity and the vices with which modern society is still polluted; and in this age of injustice and vanity, in which force has audaciously usurped the place of law, and caprice that of justice, we have no reason to be surprised that one of the most important questions of natural right has not been negatively resolved,—we mean whether man, under particular circumstances, have the right of slaying his fellow man with the sword of the law!

But how is it that an inquiry, which refers to the whole human race, and on which reposes the whole of morality, all the legality of social justice, should have escaped the investigation of the ancients? They lived under a republic, they lived under a form of government the most proper to give man the idea of his own dignity, by reminding him continually of his noble origin, and forcing him every instant to examine the justice of the principles on which the social laws were said to be established! Strange blindness! affording an infallible proof, that human institutions, even the most admirable, in order to make them really good, want the aid of that auxiliary, whose authority nothing can resist, time! Thus, then, these philosophers confined themselves to the study of the relations of man to man; but not having connected the study of these relations with that of the political system under which they lived, they, consequently, were unable to make the result of their inquiry bear upon the subject of a legislation to which they blindly and without examination submitted. It seemed as if the law was to them a fierce divinity, the whole of whose acts it was right to adore in silence. They did not teach, also, that if society imposes on man certain duties which he recognizes, he has also certain rights which are not transferable, because emanating from God himself.

If, in the works of these philosophers, the odious maxims of tyranny uniformly fell under the noble maxims of liberty, this triumph was barren in regard to the good of the human race, since the principles, or rather the dogmas, on which tyranny rests, are not even discussed in these works. It would not, perhaps, be difficult to prove, that to this negligence in establishing political constitutions, and above all legislation on the right which man holds from heaven, and which should be embraced in every system of morals, may be attributed the destruction of those admirable republics which disappeared in the midst of tempests, perishing under the attacks and principles of tyranny.

We have always so servilely imitated the ancients, that it would have been very surprising, if the monarchical governments, which succeeded the Roman republic, had not received with avidity the maxims of a legislative system so favourable to the free and easy exercise of despotism ; and if those maxims had not again become the principles on which the same ideas were to be exercised. The right also of punishing, and of punishing with rigour, has always seemed so inherent to a monarchical or aristocratical government, that discussions on it are never awakened, but when the public mind has a tendency to republicanism.

It was not till towards the end of the eighteenth century, after Beccaria, in his profound dialectics, had pointed out the errors of legislation, and after Rousseau had crushed, under the lightning of his eloquence, the principles inimical to liberty and the dignity of man ;—it was not till then, that certain elevated minds, philosophers truly worthy of that name, discovered that society overstepped its power, in depriving the murderer or the brigand of life ; questioned the legality of the court, and the salutary influence of the scaffold on public and private morals ; and began to doubt the advantages which till then had been supposed to result from public punishments.

Thirty years of profound discussion, during which we see the most enlightened and virtuous men of England and France employing their talents, have hardly produced, even in cultivated minds, this conviction, that capital punishment, regarded at present by writers on criminal law and legislation as the palladium of the laws and public safety, is, on the contrary, but the error, to say no more, of a narrow, Gothic, and fearful system of legislation ; the bugbear of morality, and the mockery of the societies where it reigns ; and that it is so far from being an obstacle to crime, that it is an encouragement to it.

If some philanthropic writers proclaimed with energy this great truth, that the punishment of death is both useless and immoral, the great mass of legislators obstinately repulsed the opinion. In fact, that the system of Draco has received the sanction of time, is the only defence they offer ! Excellent sanction ! which has consecrated

almost every error that exists, and is respectable only in the eyes of prejudiced or ignorant men. Yet the infant, at its mother's breast, will sooner tear the mantle with which its mother has enveloped it, than our systematic legislators will burst the bonds in which prejudice holds them under our feudal monarchies. It is this which explains why the two most enlightened nations of Europe have not taken a part in the great question on the punishment of death. Happy if they do not delay too long to follow the noble example which will have been given them by other states. It is not sufficient for the glory of a nation, to produce men who enlighten it by their genius ; it is necessary, moreover, that the nation should adopt the means, which these worthy citizens offer it, of making the people better.

If human genius develops itself under every form of government, it cannot be doubted that the ideas, which tend to the amelioration of the human species, must particularly flourish under the influence of republican principles. It is, in fact, apparent that republicans must be interested in adopting ideas, of which the direct and precise end is to fortify public morals. Let us be no longer astonished, then, at seeing the United States, and the Canton of Geneva, solemnly proclaim the abolition of the punishment of death.

In 1826, M. Le Compte de Sellon, a Genevese, proposed a prize of 500 francs for the best essay in favour of the abolition of capital punishment. This example was followed by the Society of Christian Morality at Paris, which offered a prize of 1,500 francs for the best essay on the same subject.

The publication we are about to notice* merited the prize at Geneva and Paris. Some of our readers may think that the work of which we are thus speaking, is only one of those juvenile efforts which succeeded in an academical combat, and followed by their ephemeral fate. Others, finding that it proscribes the punishment of death, will imagine, perhaps, that it is a question concerning one of those Utopias, which, from Plato to Sir Thomas More, have amused the imagination of such men, wearied with speaking of the sad realities that surround them. To do away with these false ideas and unjust prejudices, we think it right to give an exact analysis of the work, following progressively the reasoning of the author. We shall then leave our readers to judge for themselves, whether the production is a mere Utopian reverie, or the rational conclusion of a sound and philosophical mind.

The author has divided his work into three great sections. The first is subdivided into three parts, under these titles : On the

* On the Penal System, and on the Punishment of Death in Particular. By M. C. Lucas, Advocate in the Royal Court of Paris. 8vo. Paris. Bechert.

Office of Human Justice ; on the Penal System in general ; on the Punishment of Death in particular. The second section is divided into two parts : On Repression in general ; on the Punishment of Death in particular. The third section examines by what combination of repressive guarantees, uniting all the conditions of justice and expediency, the punishment of death and the penal system, to which it is joined, ought to be supplanted. Let us see how the author begins his argument.

'The existence,' says M. Lucas, 'which is diffused through the universe is only sacred and inviolable in man ; because in man only, endowed with liberty and reason, it possesses the character of personality. Man has not only a right to existence, he has still more, a right to exist such as God made him, that is to say, free, active, intelligent ; and this right is so sacred, that even he himself cannot lawfully resign it. Society altogether has a legal authority only to protect the right, and not in any case to sacrifice it. With regard to all the other consequent benefits of existence, liberty, activity, intelligence, (benefits which the author terms accidental or human,) it is not from God that man immediately receives them. Accidental and variable they are ; but as the development of the humanity of which they are the acquisition and the conquest, they may be restrained, modified, extended by the effect of social connections.'

Certain rights and duties arise from these accidental advantages, and belong to them. These are the things which fall under the proper cognisance of human laws. The codes of the most civilised people strongly depend on the obligations resulting from these rights and duties. But these obligations destroy not natural equity. They make men rich and happy, but not masters. The work of civilization is not to destroy that of the creation ; civilization is but a part of the gifts of God and of human conquests. Thus society recognizes *a priori* the sanctity and inviolability of the benefits which man receives from his creation ; but there is a limit assigned to their inviolability. It is that which appears to spring from their very violation. It is in this case that the right of interference is pretended ; and it is to maintain the preservation of these blessings that a right to punish is laid claim to. It is thence its office is derived ; it is from this that the most part of legislators and philosophers have accumulated their sophisms to make out a being who lives in body and soul, endued with a sensibility which comprehends the attributes of man and of Divinity, vulnerable in all and for all. The author successfully refutes these dangerous paradoxes, and, as we think, establishes by a chain of luminous and decisive reasoning the true notion of society.

The word society, (says he,) may be understood in two different ways. Sometimes it designates the whole body of citizens, and is then opposed to the word individual. Sometimes it designates a state or manner of living, and is then opposed to one of solitude.

Considered as a collective body, society has certain rights and advantages which assist each other, and which by their union become greater and firmer than they would be if separated. It has others, which existing only by an intimate connection with the personality of individuals, are consequently neither more nor less powerful than they are in each one singly. The former of these two classes is that of conventional good, which the author has already named human or accidental, and which may be alienated and transferred in this world, because it is here acquired. This is that which may be spent in the service of kings to make them the richest and most opulent of men. This kind of good also deserves more attention in proportion as the contracting parties are more numerous, and for the enjoyment of which, the majority should carry it against the minority; but no means must be called to their aid not authorised in human competition. The other class is that of Divine right, of good inherent to the personality of every one endowed with reason; rights which nothing can diminish nor augment; and which, by their nature, are as sacred in one man as in a million, because there is no collective law of liberty, of intelligence, of activity, of existence; they have only an individual law; it is not in the people but in man that God has placed this right. Put a million of men on one side, and a single man on the other, there is no more right to take it from the one than the other. There are only more in the former instance called to enjoy the same advantage. Thus, then, the law of preservation in society, considering society as a collective being, is but that of the individual—that of man.

The author, in fact, considers society as a state or manner of living. There is, says he, a general fatality which is seen in all beings, and which belongs to the principles and form of their existence. This fatality which extends even to the manner of their existence, is creation. Like every thing else in the world, man comes under this universal observation, like all other beings he is a subject of this fatality. Man springs up like the plants, he has no greater share in forming himself or in determining the manner of his being. To this general fatality which gives birth to man, we may add another which occasions his existence, not only for society, but for this or that particular society. It is this which makes an individual a native of one country rather than another.

Thus then society, considered as a state, exists by two principles: the one fatal, eternal, divinely decreed, that is, sociability. The other conventional and variable, the work of men; this is the *form* of sociability, association, political union. The divine law of sociability is not vulnerable by man, and it has no need of being protected by punishments, for, wherever man is, there will ever be society. Man is sociable by nature. The political forms of association, whether they be monarchical, aristocratical, or republican, want, and have consequently the right, to be protected; but since

they are purely human, and are not to be put above the creation of God, no contradiction to political forms, in as far as they are forms, can authorize the taking away from man those blessings he receives from God, existence, liberty, activity, intelligence.

If man, endowed with reason, has no right over his own existence, which he holds from God, certainly he cannot be supposed to have it over any one of his kind, the violation of which restriction would produce a double crime : a crime against existence, a crime against the person. The negative duty, that is to say, the obligation to abstain from all offence and hurt of our fellow-being, is then evident : the positive duty, or rather that which is not a duty, for it is not commanded, devotion, virtue, is beyond human power. Whether possessed or absent, it can only occasion, in this world, man's praise or blame. When any one then devotes his life to save that of others, it is a sacrifice rendered to the preservation of existence in others, with an admirable denial of his own individuality.

Whilst, however, we do not allow that we have a right over the existence of another, it is not necessary to conclude that we lose our right to our own : the duty of self-preservation teaches us to defend ourselves against those who attack us ; the right of legal defence is derived then from this principle. If we kill the murderer, it is not that we may take away his existence, but that we may defend our own against the impious attack made upon it. When our existence is safe, when our assassin, disarmed, is reduced to an incapability of hurting us, then, but only then, his right to existence becomes an object of contention, and the right which he has violated, will protect him against our attacks, which the duty of self-defence no longer renders lawful. Thus the right of legal defence is conceived and exercised without either a duty or a right to establish its propriety.

Here, however, society comes in as a collective body. Its character then is to make force law, and its duty to intervene with all its power, and to cover and protect individual feebleness, unjustly endangered. But this great power, like the individual whose cause it takes in hand, ought to restrain itself when the aggressor is vanquished and disarmed ; after that its strength has served to protect the right, it is proper that the right should restrain and disarm force ; for never has there been in the world a right over existence. Thus then the legality of the scaffold cannot repose on the right which society has to defend itself, but on the right it pretends to have of punishing. What the author here says of existence, he says also of liberty, which he reckons, like existence, among the personal and inalienable gifts which man receives from God. Whilst a wicked man is endeavouring to hurt us, in respect of liberty, intelligence, or life, to leave him free is not to respect the laws of his creation, but to sacrifice our own ; it is to permit him to destroy the good which we cannot abandon without becoming

wicked ourselves. It is necessary then to imprison the culprit, but only to protect ourselves against his attacks, always leaving him room for repentance, and taking measures to restore him his liberty as soon as it is no longer dangerous to our safety.

It is on the right of legitimate defence thus understood, that the author exclusively founds his system of repressive justice. He allows his right to society, after having disarmed the offender ; of putting him to death, neither for establishing, or preserving material order; nor for chastisement on account of moral order. After having examined the intervention of force by society in defence of the individuals of which it is composed, and its collective action for the defence of the totality of these individuals, that is to say, for its national existence, it remains to examine society under a third point of view ; that of the right of preservation or legal defence, in regard to the political existence of society. 'There is,' says M. Lucas, 'a wide difference between the political existence of society, and the existence of the individuals which compose it: the existence of man comes from God ; it comes from man into societies. In the former, it is the gift of creation ; in the latter, of convention. This is the reason why there is a character belonging to an attack on human life, which belongs not to one on political existence.' The existence of societies is only of this world ; they have no soul or other life, in which they will be judged according to their works, and, to use the fine expression of M. Royer Collard, 'the immortality of Rome and Athens is in history.'

It is then, in fact, not a crime to change the political forms of society. These changes are not only a right of human nature ; they are necessary to its perfection.

But these changes have certain legitimate principles, and these are easily distinguished. The political state is conventional. It is necessary that this political existence should be modified by the regular, free, and enlightened intervention of all the members of it. The author then points out different kinds of treason. He combats the opinions of Blackstone, Eden, Bradford, Voltaire, Parsons, Beccaria, Pelletier de St. Jargean, who allow the right of society to punish treason with death. 'It is not true,' says he, 'that a criminal whom society holds in its power can put its members in danger. There is no real danger for a political form when attacked, but when also the greater number of the citizens sympathise with the culprit ; and in this case history teaches us that the danger, far from being lessened by his punishment, becomes more menacing.' It is said that society has a right and duty to defend itself, and that it may and ought to do every thing necessary to its preservation. If then it can only exist but by the death of one or more of its members, it may require the sacrifice of them to preserve its existence. I deny the fact and the right ; neither is evident. Is it not certain, after the principles already established, that no man would sacrifice my life to save his own, and that a million have no greater right, because it belongs not to numbers but individuals ? Since I am a man, it is

equally mine as it is the multitude's. The right is not augmented by the number which enjoys it, otherwise the value and importance of a right would rest on a calculation, and little societies would be to great societies, as an individual, in regard to the one or the other. This would be but the reasoning of the stronger.

It must be allowed, then, to sacrifice a man in honour of an abstract principle of safety, is like following the example of the Indians offering human sacrifices to their gods. The danger of any social system, which is the work of man, cannot authorize the destruction of life, which is the work of God. If the danger of the social system be not real, then they commit a useless impiety by protecting it by punishment. If the social system be in real danger, the aggressor, may possibly be put to death, when his aggression is just. If the punishment of death has no relation to the justice of preservation, has it not still less to that other penal justice which refers to perversity of actions, or, in other words, to the penal office of society? Such is the question which the author discusses in the tenth chapter, and which he resolves negatively. According to him, society has no penal office to fulfil. It is a power he recognizes in no part of this world. In order that society might lawfully punish, it should understand perfectly the intention of the criminal, the relation of his act to the moral law he has violated, and, lastly, should know of some punishment exactly proportioned to his criminality. But how shall we know men's intentions, or understand the real text of the law? Where shall we find punishment and rewards to exercise a penal or remunerative justice. Man can possess these three indispensable requisites for exercising the office only by approximation. The justice, therefore, which society exercises can only be a fallible justice, since man fully understands neither intention nor law; it will be but an incomplete justice, since when even he understands the crime he has no scale to measure the punishment.

From the penal law written by society, there can only proceed a justice incomplete in another respect. 'Social justice,' says the author, 'being only a negative justice, and not a coercive justice, leaves submitted to religious, natural, and popular sanctions our duties to God, to ourselves, and even to our fellow-beings, inasmuch as our relations to our fellow-beings are within the sphere of the justice of benevolence.'

Thus, when social justice prohibits murder, it is not justice only which prohibits it. Religion, conscience, public opinion, prohibit it also. Religion, in the name of the duty of man towards God; conscience, in the name of the duties of man towards himself; opinion, in the name of the duties of man towards his fellows; duties which comprehend that justice of benevolence which the social law cannot embrace. These sanctions are overthrown, and their harmony destroyed, when social justice, pretending to be the only justice, arrogates to itself the right of punishment. All is destroyed by the scaffold; there is nothing but a brutalizing and profanation

of our nature in the blow of the axe, which takes away that remorse which endows the past with pain, and the future with virtue. There is a kind of atheism in the stroke which takes from man the responsibility of his destiny, and which sends him to the grave in the midst of his crimes. Thus the sanction of the guillotine, which men would have pass for that of justice, destroys all others. It destroys also our dignity, brings contempt on our nature, and overturns the sublime plan of Providence in this world, and its consummation in another.

In moral order, the source of all good and of all evil is liberty. When moral order is disturbed, it is to liberty we must look both for the cause and the remedy. Where there is no liberty, there is no disturbance of moral order, but where there is not liberty, there can be no possible enjoyment of moral order. The first duty of a Government is, not to provoke its subjects to abuse their liberty, as they do in states where they raise lotteries and gaming to the rank of national institutions, and where piracy is sanctioned by the laws. It is not to this, however, restrictive justice should be confined. It ought to encourage liberty by promoting the instruction of the people, and permitting industry to diffuse happiness. 'Do you wish to have fewer crimes,' says the patriot, 'render the lower order of people happy, raise their minds to the dignity of citizenship.' Judicial condemnations are also a part of preventive justice, when they instruct people to keep from imitating criminals. But this salutary effect does not result from capital punishments and executions. The sight of an execution is not always terrible to other criminals, because to brave death is not rarer than to fear it. But this sight has, for its certain and infallible consequence, either to diminish the hatred of murder, by teaching men to look calmly at violent death, inflicted in cold blood, and taking something from the infamy of the criminal, by inspiring pity for his sufferings. It even gives, to the last moments of the culprit, a something of solemnity, which, while he is exposed, almost changes public feeling, and gives him, like a martyr, a title to admiration.

KINDRED MINDS.*

LIST, list the music of the winds !
 Gaze, gaze upon the soft moonlight !
 Are not our minds sweet kindred minds ?
 How we both love this lovely night !
 Hark, hark that strain, is it not sweet ?
 I see its power in that bright tear,
 In this, in this, our spirits meet,
 The same sweet song to both is dear.

* From 'Moments of Loneliness.'

Read, read this tale, a tale of wrong,
 Of faithful Love's base injury ;
 Ah ! Indignation chains thy tongue ;
 'Twas thus its power was shown o'er me.

Hark ! at the door Misfortune pleads,—
 A way-worn trav'ler asks a home ;
 Shall we not go where pity leads,
 And welcome to our humble dome ?

Thou clasp'st me closer to thy breast,
 What makes thee now so dear to me ?
 Oh ! have we not both—both been blest
 In soothing other's misery ?

Thou gazest on the star-bright heaven,
 With heaven's own rapture in thine eye,
 And the same wish to both is given,—
 ' Oh may our spirits meet on high !'

(WRITTEN IMMEDIATELY AFTER THE FOREGOING.)

Sweet dream of happiness ! yet stay,—
 Why vanish with the sinking lay,
 As with the gale-tones of the night
 The spirits of the blest and bright ?

The song, the moonlight, and the tale,
 Are here, and want's complaining wail ;
 But none, oh none ! to share with me
 The radiance or the minstrelsy.

None,—none to give or take the meed
 That waits upon compassion's deed ;
 None,—none to share that happiness,
 O'erflowing when we others bless.

None,—none to glance with me an eye
 Of holiest hope to yonder sky,
 And whisper ' All our sorrows o'er,
 We shall meet there to part no more !'

And why is this,—and is there none,
 No reason why I'm thus alone ?
 And would not earth be far too dear,
 If my soul's soul were with me here ?

Yes, yes ; and hence it is denied,
 And the world made a desert wide,
 That the heart-prayer may ever come—
 ' Oh take me to the eternal home !'

SIR EDWARD EAST'S SUGGESTED REFORMS IN INDIA.

No. IV.

Second Part of the Reform of the Mofussil Courts.

THE present mode of administering justice in the Mofussil Courts, seems objectionable on two accounts.

Language.

First, the language of the Court is Persian, which is foreign at this day to every description of subjects in the empire, and is both impolitic in regard to the state, and inconvenient to the people. It was natural for the first Mussulman Conquerors, whose language was Persian, to administer the laws in their own tongue to the conquered people; but by the same policy, if *their* conqueror and successor, the British Government, do not adopt the native tongue, it should give the law in English. And this upon the whole appears to be expedient and politic; for the language of its native subjects is various in different parts of India, and the limit of each is not very strictly defined. All would as easily, or nearly so, addict themselves to learn English, and have stronger motives to do so than each other's dialects and languages.*

The Hindee, (or as it is more commonly called the Hindoostanee,) is in more general use than any other in the upper provinces, and amongst the Mussulman population of Bengal; but the Hindoos of Bengal, as well as the greater population of Southern Hindoostan, know little or nothing of it.†

Besides, the more it is desirable to impress the stamp of the British character and empire upon the people, the more ought the study of the English language to be promoted. It will be the speediest and most effectual channel of conveying internal improvements. By making it the language in which the law speaks every day to the people in all parts of the empire, numbers of the most active and intelligent of them must become familiar with it, as they are now compelled to be with Persian.

It is more likely to promote justice than the use of the Persian, for the Judges at least will have a sure knowledge of their own proceedings. The facts will come to them directly from the suitors,

* The Koran having been written in *Arabic*, the Mussulman expositors of the law would necessarily have preferred giving their opinions in that language, but they were constrained by us to give them in Persian; so that the Persian was not agreeable to any part. The revenue accounts have, I understand, been directed to be kept in English for the sake of perspicuity.

† There are, I am informed, very varying dialects of the Hindee.

Oriental Herald, Vol. 16.

through only one translation, for which numbers are already very sufficiently prepared. Whereas, by the present mode, the suitor must first convey his claim or defence through the medium of a Persian translation, and then must take the risk of his Judge having so intimate a knowledge of that tongue, as not to be likely to mistake either the documents or the oral pleadings. The use of two tongues only, the one of the suitors and witnesses, the other of the Judge and officers of the Court, must, in the administration of justice, be safer, if not more expeditious, than each communicating with the other *through the medium of a third language foreign to both*, but most of all to the *unlearned suitors*. It will operate as a salutary check upon the Judge himself to deliver his judgment and assign his reasons [as every Judge should be bound to do in open Court] in his own tongue, without any cover. This alteration will of itself be a great acquisition, but its benefit will be inestimably enhanced by its connection with another reform—that is,

English Pleadings.

The introduction of English Pleadings into the Mofussil Courts; I will not say in the place of [the country may be safely left to judge between them] *but in addition to the Native Pleadings*.^{*} That the Native Pleadings, with perhaps some rare exceptions, do not afford any effectual assistance to the Courts, experience has too plainly shown; that they frequently embarrass their proceedings, I have been informed from the best authority. How can it be otherwise, when it is considered how deficiently they are educated in all the principles of real knowledge and learning. The very regulations which the Government, at the suggestion of the Courts, has been obliged to make to guard against their ignorance and corruption, sufficiently declare their general incapacity, proneness to extortion, and degraded condition. Contrast this with the enlightened education, the profound and various learning, both professional and general, the elevated talents and free services of the British Bar; consider the influence which a set of gentlemen, so educated and disciplined to honour and justice, must have, when dispersed throughout the country, engaging the confidence of the wealthy, vindicating the injured, sharing the feelings, and aiding, by their counsel and eloquence, in the lawful protection of all; appreciate the accession of moral strength to the Government, from such an acquisition of British character, talents, and influence; and all this attainable with little, if any expense to it.

Modes of introducing English Pleadings.

There are two modes by which this measure may be executed; one, which I should prefer, because it would tend more speedily to

* By some, the exceptions are not thought so rare as by others, but the generality of the observations is admitted.

correct the excessive evil of the present system, is immediately to open the bar of the Mofussil Courts to such barristers as the Company might think proper to appoint.

The Company's Government might, if it were thought advisable, allot a certain number of barristers to their several courts throughout the country, according to the exigency of the case; and in favour of their present servants in the judicial line, the local Government might be restrained from the appointment of any of those barristers to judicial situations in the principal courts for a certain number of years, after which they should be eligible.*

Appointment of Mofussil Barristers, Solicitors, and Attorneys.

The other mode is lower, but will come to the same result: it is to make a selection, on their arrival in India, of those young gentlemen sent out as writers, who are intended to enter into the legal department; and to require them for a certain period (say three years) to attend as students the sittings of Sudder Dewannee and Nizamut Adaulat, at Calcutta, or other of the Mofussil courts in the neighbourhood, as well as of the Supreme court, while they are also acquiring the native languages in college; and at the end of that period, to call some of them to the bar, and admit others as solicitors and attorneys of the Mofussil courts, from whom all vacancies in judicial seats throughout the provinces should in due time be filled, as opportunity offered, and according to the judgment of the Government, as it is now exercised, with additional information afforded by this kind of public probation.†

The most distinguished barristers and solicitors would, in the natural course of things, acquire the confidence of the Natives throughout the Company's dominions; and thus, in no long time, bring a powerful acquisition of strength from public opinion to the Government.

This change of system would require an additional number of writers; and, perhaps, of persons advanced to the years of manhood, and, in part, qualified for their destination; but the great portion of them would soon maintain themselves and improve their fortunes by their own talents and character; and a regulation might be made accordingly, upon a graduated scale of salary, to be reduced from year to year. Its operation, to postpone their advancement to judicial seats for three or five years longer than now takes place, will greatly benefit both themselves and the public.

* Yet I think that the immediate introduction of a few approved barristers into the judgment seats of the Zillah courts, where there is the greatest press of business, would be calculated to produce public advantage.

† If it should be desired, the Supreme court will immediately prepare a place for the students to attend in court.

The only remaining difficulty would be in respect of the present Native practitioners. These might still be retained till they dropped off. For some short time their utility in causes would be obvious; in the best of them, on account of their intimate knowledge of the language and habits of the suitors, and of the peculiar customs and laws of the provinces; others of them might be appointed to inferior situations about the Courts; and moderate pensions, under special circumstances, would compensate all other reasonable claims, if any, upon the Government. Occasion of jealousy in future, if such should be found to arise, would be done away by admitting Native candidates also to the bar and to act as solicitors, who chose to educate themselves for it as before, with the acquirement of English in addition to or in place of Persian.

No Salaries to Barristers and Solicitors as such.

The Company would not, of course, allow any salaries to their writers, who become practising barristers or solicitors, as such, at least after the first or second year of their practice; which would have a good effect in two ways, the one in relieving the Company from the salaries of those writers who entered the judicial line, the other in exciting the candidates for present emolument and future preferment, to honourable and useful exertions for acquiring the proper knowledge and displaying the talent of their vocation; and thus the Government itself will obtain unbought experience of those who are fit for the several judicial employments, when they become vacant, for the choice of whom, at present, it is obliged to grope in the dark, or is fettered by some blind rule of rotation or seniority, quite inapplicable, and dreadfully hazardous to the exercise of judicial functions.

Future Benefits from Change of System.

I look at a future and more extended benefit to arise in both these respects from the changing of system; one principal cause of the expense, uncertainty, and delay of the present course, arises from the too early employment, in judicial offices, of very young and inexperienced men, who, having never studied law upon any system, must necessarily be unacquainted, for the most part, with its principles and practice; and, as matters are now contrived, have very little opportunity of profiting by the example of others, who have not long preceded them in the same helpless condition. There is little or no continuity of knowledge and experience in the present system.

The young Judge must set off with a small stock in hand, and he leaves no ear-witnessing successor to the hard-earned experience which he afterwards acquires. This begets the necessity, and has enforced the providing of checks upon checks, not only to correct the final errors, but even to guide the interlocutory proceedings of such magistrates. Hence the cumbrous machinery, box within

box, appeal upon appeal, which over-loads the judicial proceedings of the Mofussil Courts, and leads to insufferable vexation and delay, with proportionable expense. There is seldom any tolerable certainty, even when a cause is to be heard; and the parties are accustomed to retain agents, at monthly salaries, to give them information of it.

Barristers, Judges, and Magistrates.

But when barristers of some knowledge and experience shall be appointed in the first instance to act as Judges and Justices of the Peace within certain districts, having the cognizance of all but capital and state offences (which should be reserved for the superior Judges) and also of civil causes to a moderate amount without appeal, (except as after mentioned, more especially when two, four, or more solicitors and attorneys, according to the magnitude and population of the principal cities and towns and neighbouring districts, shall be appointed to act before those barristers, judges, and magistrates, to whom the clients may have recourse if they please for advice and assistance,) there will be no necessity for the perpetual checks and superintendence which are now exercised; the superior courts and Judges will be relieved from much of the burthen which at present overwhelms them, and the expense of the whole establishment will probably be reduced.

It should be made a condition of being called to the bar, that a barrister should be liable to be appointed to act as a Judge and Magistrate in a district within the range of his attendance on the particular court or courts where he is permitted to practise; and as there would be no civil appeal from his judgments in matters of fact, there would be no clashing of interests. If it should be found necessary that the superior courts should continue sitting, as they now do, with very short vacations, this duty must be borne in rotation.* Consulting the genius of this people, I should recommend that every barrister, judge, and magistrate, when acting in his own court, as well as in the superior courts, should wear a plain black robe, and that the superior Judges should have their proper robes of office; and that each of these, on his entrance into office, should be sworn to his allegiance and duty in open court.

The barrister, judge, and magistrate should be permitted to receive certain reasonable fees of court (of which public notice should be hung up in a conspicuous place in his court) for all business done by him as a judge and magistrate, (leaving his bar fees to be purely honorary.) This, with his practice as a barrister in the superior court or courts of his district, would probably compensate his services; or, if that were doubtful at first, a moderate additional,

* Reasonable vacations rather promote than impede the just despatch of business, by giving rest to the administrators, and due time for preparation.

and temporary salary from the public during his magisterial sessions, to make up the deficiency, if any, according to the present establishment, with the expectation of future preferment, would suffice.

Solicitors and Attorneys.

The solicitors and attorneys permitted to practise in the same district court, would naturally obtain, and would principally look for, their emolument to the legal business of the district, in proportion to their character and talents. In addition, they would attend on the Barrister's Court, and might each, in his turn, month by month, register and attest its proceedings, and should be entitled to moderate fees for his trouble, besides a small salary from the public purse during such registering by way of retainer. Each of these persons would be a check upon the conduct of the other; to prevent abuse, they might be eligible to the higher judicial situation as a reward of superior talent and merit.

The assistance of these solicitors and attorneys, in preparing the cases which come for trial before the circuit courts, or superior tribunals, would be invaluable to those courts, by methodizing and expediting the pleadings and evidence, and bringing them to so many *distinct issues*, elucidated as they would be by the final assistance of the attendant barristers; which would save an infinity of time and labour, now lost to the superior judges in developing undigested masses of papers, or in the mere drudgery of inferior clerks. This would prevent that accumulation of arrears which no human exertions of industry and talent can now keep down.

Pundit, Moulejee, Interpreter, Peons, &c.

Besides an interpreter, pundit, moulejee, and an establishment of peons, to attend and execute the orders of the barrister, judge, and magistrate in court, the head-man in every village in the district, (and more in the greater villages and towns,) should be sworn in as officers to assist process, and preserve the peace, with a certain badge of office conferring honour in the eyes of the people.*

Village Policy and Civil Jurisdiction.

Under the superintendence, and in some degree (better explained in the third part of this subject) the appellated summary jurisdiction of such a well-informed judge and magistrate as I have described, the village jurisdictions,† both of police and of arbitrator in village

* If it be thought necessary that a barrister should be qualified in the language of the country to act without an interpreter, the latter would be unnecessary; but this will delay the period of relief in this mode, and may prevent the acquisition of barristers of a higher degree of talent and experience, a few of whom would be invaluable as models for the rest. The office might be temporary.

† It is doubted if they ever existed in Bengal.

concerns, may, if they ever existed here, be most beneficially revived, or brought into activity throughout the provinces; if they never existed, the sub-native commissioners, in each village, will perform the same function.

Police, Barrister, and Collector.

In matters of mere police, the collector of the district might exercise co-equal jurisdiction with the barrister-judge and magistrate.*

Revenue.

In matters of revenue the barrister-judge, and magistrate, and collector, should have joint-jurisdiction, to be exercised in a summary manner upon complaint by the party aggrieved, except where the title of land of a certain amount was a question, which should be referred to the Superior Court, and have precedence of trial there to all other matters. I am, however, much inclined to think that it would be advantageous to have a separate superior court for the sole determination of all high matters of revenue.†

Appeal Re-hearing.

Though I would allow no appeal from the judgment of the barrister-judge and magistrate on *matters of fact* within the scope and limit of his jurisdiction, unless upon motion made before himself in open court, within one month after he saw reasonable ground to doubt his first conclusion, and to direct a re-hearing; yet, if the party aggrieved were dissatisfied with his judgment in point of law, either as to the improper admission or rejection of evidence, or as to his conclusion of law upon the whole matter, and having taken the objection as to the matter of evidence in open court at the time it was received or rejected; upon the statement of such objection in writing, either upon the point of evidence, or of an erroneous conclusion, signed by any solicitor or attorney of the court, or by the party aggrieved, within one week after final judgment pronounced, the barrister-judge and magistrate should be bound to transmit such objection to the Court of Circuit, or Superior Court of his district, together with his notes of the evidence on which the objection arises; and the Judges of Circuit, or Superior Court, should, on consideration of the same, certify their opinion in writing, under their hands, to the barrister-judge and magistrate;‡ who, having given notice of the

* It is suggested that the collector's duties had best be restricted to matters of revenue. If so, some other British office should be associated for this purpose with the barrister-magistrate's, particularly in the larger districts; for in populous districts the police should never be at a stand for a day.

† Something like this exists already, which, if found to answer, had better be preserved. The collector communicates with the judge.

‡ To be explained by the interpreter of the court in the Native tongue, if not spoken by himself.

same in one open Court, should read his own statement of the case, and the certified opinion of the Superior Judge, in another open Court, in one week from such notice, or sooner if both parties be in attendance, and should conform his judgment to the directions contained in such certificate.

Necessity of a Change of System.

With the most anxious desire to promote public economy, care must be taken that the end is not sacrificed or hazarded for the means. *You may rely on it, and I hope the truth may not be learned in a more unpleasant manner, that the present system cannot go on.* An additional number of well-instructed and efficient British judges and magistrates are much wanted in many of the populous towns and districts of India, both for civil and criminal jurisdiction. Moorshedabad and its districts have, I am told, a population nearly equal to Calcutta, and must, probably, contain above half a million of persons; and yet there is but one magistrate, and his assistant, to render justice on the spot to this immense multitude.

Retaining the Rule under British Magistrates.

The revival or appointment of any Village Police, or Village Court, or Commissioner of Arbitration, will prove of inestimable utility, if placed under the control of a local British Magistracy: but without that control, innumerable evils will speedily grow up—the body of the people will cease to look to British protection—and the reins of empire will be loosened. The measure here suggested is calculated to give a class of Judges and Magistrates to the people which, by rendering prompt and efficacious judgment to them, will give new lustre and security to the British Rule, with the least, if any, additional burthen to the state.

Extension of System to meet the Occasion.

Whenever it distinctly appeared, that the number of causes could not be kept down in a district by one Barrister-Judge and Magistrate, another should be added to the establishment, either temporarily or permanently, as the necessity of the case appeared to require, who should share in the Court Fees; and thus the system would preserve its own balance. If Barristers, Solicitors, and Attorneys, were permitted to practise in the Superior Courts, the Government would always be able to lay its hands upon able and approved men for this service, whenever they were wanted. But without knowledge and numbers, there must ever be a moral and physical impossibility of rendering justice to the people under any system of Law, a duty of every government co-ordinate with the defence of its people from foreign and domestic enemies.

Sheriff.

Finally, I beg leave to suggest, that it would be a great improve-

ment of the judicial system in this country, if a certain officer, analogous to our Sheriff in England, and in Calcutta, were appointed within each Zillah, for the execution of the decrees of the Zillah Courts, as well as of all superior Courts. Much of the precious time of the Judges is now, I understand, wasted, and their proceedings much embarrassed, by the inferior ministerial occupations properly belonging to this officer; he should execute and return all process of appearance, &c., and of execution at his peril, and should receive a poundage upon the levy.

The office might be executed by one of the Barristers, Attorneys, or Solicitors of the Superior Court of the district, if such should be allowed.

LINES TO R. J. W. M.

WHEN Hope no more with all its heavenly dyes
Gilds the lone scene that spreads before our eyes;
When life, all cheerless in this world below,
Presents one darkling path of varying woe;
Then turns the heart to gall and love to hate,
And the sick soul is rudely desolate.

Yet will the mind, though almost callous grown,
Assume by fits a strength that's not its own,
Will search e'en then with its reverted sight,
For some lov'd object of bereav'd delight.
And this in view, a not forbidding smile
Springs o'er the face that slept too long awhile,
As if some dear but buried thought awoke,
Like pallid moonbeams o'er the shatter'd oak;
Thus through Remembrance will a partial glow
Illuminate the form of living woe.
So, R——n, thou, whom youthful love endears,
Congenial soul of short but halcyon years,
Can'st, Sun of Memory, clear the clouded brain,
And lull the throbbing agony of pain.
Oh! can Remembrance, with its eagle eye,
Unthrill'd review the blissful hours gone by,
When each enraptur'd sought the hallow'd kiss,
Look'd up in other's* eyes and drank of bliss?
And all the transport which I felt to see,
That heart that others bled for, bleed for me?

But lo! what picture rises to my sight,
In scenes of day and visions of the night;

* I am not confident that this is correct; but Burns, who is good authority in points of grammar, has something like it: thus,

'A modest youthful pair,
In other's arms breathe out the tender tale,' &c.
The Cotter's Saturday Night.

A stranger-form appears in Eastern land,
 And looks all statue-like upon the strand ;
 Nought does he heed the low-bent turban'd slave,
 Whose garment sweeps the margin of the wave,
 Nought the pale crescent, or the snowy vest,
 Nought the gemm'd dagger, or required behest ;
 His face he lifts, so desolate and lone,
 I start, I tremble,—'tis, it is, my own.
 And wilt thou seek to penetrate and find
 The cause of all this great absorbing mind,
 This blight of heart, this worship of despair ?
 Go ask thy bosom, maid, *thou art not there.*

But when the exile, from his home endeared,
 Is forced to roam o'er lands for ever feared,
 O'er dismal lands, beneath a poisoned sky,
 Where all who live most surely droop or die,
 For Death, that tyrant, rears the Upas tree,—
 Can peace touch *him*, then ask the same of *me*.

And now, my beautiful, thy gentle ear,
 For him whose prayer again thou shalt not hear,
 As well I know, once left my native shore,
 That we have met to meet on earth no more,—
 Thou soul of virtue, at each rising day,
 When thou alone, thy lover far away,
 Oh ! lift thy virgin fervent prayer that he
 May safely traverse o'er life's angry sea,
 May tread, in faith and hope, where thou hast trod
 The paths that lead to virtue and to God.

Adieu, my R—n, what a mournful knell,
 Sounds in that heart-dissevering word, farewell,—
 To me, as if both youth and love had fled,
 And peal'd the hour for mingling with the dead ;—
 But, fare thee well, and now I reckless turn,
 To climes far off, where suns intensely burn.
 And there thy name, thy darling name shall be,
 The morning-star of waking memory ;
 E'en in the pangs and article of death,
 Thy name shall tremble on my latest breath.
 And when just Heaven consigns me to my doom,
 And youth and woe lie buried in the tomb,
 This heart turn dust, which none but thou could'st share,
 And R—n e'en be unremembered there,
 Wilt thou within thy faithful bosom's glow,
 Lament for him who loves thee, loves thee so ?—
 A tear, one hallow'd tear, is all I crave,
 When this young form lies mouldering in the grave,
 To sanctify my tomb, sweet heavenly maid,
 And soothe thy lover's disembodied shade !

I. MIMILI.

TRAVELS IN ITALY.—BY AN EAST INDIAN, HOME ON LEAVE.

No. I.

Approach to Italy from Switzerland—Sardinian Territory—Lago Maggiore—Enormous Statue—Austrian Territory—Como—Queen Caroline—The Iron Crown—Entrance to Milan.

I LEFT Switzerland, certainly not without regret, for its attractions are many ; but who can approach Italy with other sensations than those of delight. The two principal approaches to Italy are by the Simplon and Mont Cenis ; the latter has the advantage of being more practicable during winter and spring, and is seldom absolutely impassable. The former affords the shorter and more agreeable route to Milan, and has the additional advantage of enabling the traveller to visit the Italian lakes, without diverging greatly from the direct road. Both these roads are the works of Napoleon, stupendous in their construction, and gigantic monuments of the vastness of his genius. The road over the Simplon was begun by Napoleon in 1801, and was finished in 1805. The difficulties which were overcome, the patience that was bestowed on it, and the labour and money that were expended on it, are perhaps unequalled in the annals of any country or any age. The slope is so gradual, that in no place does it exceed $2\frac{1}{2}$ inches to the toise, and the construction of it is so skilful, and the materials of which it is formed are so good, that the arch-leveller Macadam himself might be proud of it. The cascades, which pour themselves down from the precipices above, are conducted under the road in capacious aqueducts, and the bridges which frequently occur are at once substantial and elegant. Often it has been necessary to cut galleries through the solid rock, and these are all lofty and spacious. In short, it is a *chef d'œuvre* of ingenuity, and well worth the trouble of crossing, were it only to admire its construction. At stated intervals are built houses, which are called refuges, and are intended as places of shelter for travellers, who may be surprised by storms or *tourmentes* in these dreary regions. Nearly on the summit of the passage stands the small village of Simplon, which usually terminates the first day's journey. The road, as you descend on the Italian side, is more wonderful than that on the other, as the difficulties surmounted must have been infinitely greater. On the Swiss side, the chief difficulties seem to have been the adapting the road to the nature of the ground it had to go over, and the conducting it by an easy ascent to the top ; but with the exception of two short galleries which are cut through the rock, there is no evidence of any very obstinate impediments having occurred in the work, though the bridges, aqueducts, and the road altogether are admirable. On the Italian side, every step you take shows you the formidable

obstacles which opposed themselves. The ground is almost always rugged and abrupt, the valleys narrow and precipitous, and in very many places the road is scooped out of the rock, leaving huge masses on either side, whilst at others it winds along the side of a cragg to which it is attached like a shelf. The galleries also are much longer and more spacious, and the aqueducts and bridges, which are numerous, are excellent. The Swiss side was constructed under the superintendence of French engineers, whilst the other side was done by Italians.

About a league and a half below Simplon, the Sardinian territory commences, where trunks and baggage must be searched, unless cogent reasons be adduced for dispensing with the ceremony; the force of such reasons is readily acknowledged by the Sardinian custom-house officers. The first Italian town of any magnitude is Domo d'Ossola, situated amidst the fine and fertile plains of Piedmont, which present a novel and agreeable appearance after a long sojourn amongst mountains. Domo d'Ossola contains nothing remarkable; the town appears neat and clean after the wretched hamlets of the Vallois, and the environs are pretty, and interspersed with churches, villas, &c. Baveno is the next place worthy of note. Its site is on the edge of the Lago Maggiore, nearly opposite to the Borromean Islands. These are three in number, Isola Bella, Isola Madre, and Isola dei Pescatori. The latter, as its name imports, is occupied by a fishing village, and has on it nothing deserving of remark. Isola Bella is the residence of the Borromean family, to whom the islands belong. Its situation is divine, and the view commanded from the house and the gardens adjoining, combines all that is beautiful in nature. The house has an air of heavy grandeur and state about it, the hangings and furniture are rich though somewhat ancient, and the *tout ensemble* is striking, notwithstanding the dilapidation which has begun in some parts. There is a state room which is reserved as the dormitory of royalty; the late Queen of England had reposed there, also the Duke of Gloucester. When Buonaparte visited the Islands he was lodged in another room, as he had not then assumed the imperial purple. There is a tolerably large collection of pictures, with some works of considerable merit. The gardens are rather formal, but a vast deal of time and money seems to have been expended on them, and the terraces, walks, and parterres, if not strictly beautiful, are at least imposing. Isola Madre is the largest of the islands, and is chiefly laid out in a sort of shrubbery, containing great varieties of rare trees and plants. The disposition of these grounds is much more pleasing, as there is much less of art and formality in them. There is also a house in this island, but it is not finished, nor does it appear likely to be so soon.

The whole of the scenery of Lago Maggiore is charming, and possesses the most picturesque and serene beauty, without any of

the wildness and savage grandeur which characterize the Swiss lakes,—here all is tranquillity and repose. Near the lower extremity of the lake at Avona, which was the native place of St. Carlo Borromeo, is a colossal statue of the saint. This enormous figure is wrought in copper ; its height is about sixty-five French feet ; and that of the pedestal of granite, on which it stands, thirty-six feet : It may be ascended from within ; and the cavity of the *occiput* forms a commodious resting-place ; whilst the nostrils afford convenient loop-holes, through which the surrounding country may be viewed. To say the truth, however, this is an undertaking rather curious than agreeable, for the heat and smell are quite stifling ; and those who are not too aspiring would do well to choose a more suitable resting-place than the seat of intellect affords, and to enjoy the scenery from some more open *head-land*. From Baveno, the lake may be crossed to Laveno, which is nearly opposite, and which introduces you into the Austrian territories. This change of government is speedily made known to you by the salutations of police and custom-house officers, who divide their cares between your passport and your portmanteau. The barefaced assurance with which the solemn farce of pretended search and of bribery is carried on, is really entertaining. You are conducted to the custom-house, where the officer, after examining your passport, laments that it is his painful duty to institute a rigorous search into your baggage. After a moment's pause, however, he says, that, if you will sign a declaration, *upon honour*, (here he impressively lays his hand on his heart,) that you have no contraband articles, he will take upon himself the risk of dispensing with the ceremony of search. These terms are, of course, easily acceded to, and you deposit a couple of francs upon the desk, (from which the eyes of the functionary are studiously averted,) and depart with your baggage, the declaration being usually forgotten amidst the civilities interchanged. As you go out, the *sous-commis*, who had given you your cue before you entered, is in waiting, and expects a small gratuity, in return for the useful information he afforded you.

From Laveno, you pass through a country, rather luxuriant than striking, to Como. The heights over the town are crested with curious and antique-looking towers ; and the first view of the lake and the surrounding scenery is quite enchanting. Como is a large, and even grand-looking, town, placed at the extremity of the western arm of the lake. It has a little harbour, well stocked with gay-looking pleasure-boats ; but there is little appearance of traffic, though the situation is so well adapted for it. The environs abound in elegant and delightful villas ; and the whole of the sides of the lake, as far as the eye can reach, are crowded with villages and country-houses, over which rise woods of the richest and most diversified foliage. The hills, which arise on all sides, harmonize

most delightfully with the soft and tranquil character of the country, affording abundant variety of form and boldness of outline, without fatiguing the eye with their height, or disturbing the tranquillity of the scene with savage and rocky precipices. In the distance rises the chain of snowy Alps, in all the sublimity and unity which distance bestows on such objects. The foreground was all repose and loveliness—the distance, majesty and grandeur; whilst the fair and lucid lake, the counterpart of the unclouded azure sky above, bore on its surface innumerable gay skiffs. I have never yet seen any thing so entirely lovely and enchanting as the view from the Lake of Como.

Notwithstanding this apparent placidity, the lake is, from its vicinity to the Alps, treacherous. The *burrasca*, a violent storm, comes on suddenly, and often does much mischief. The boatmen are very timid; and the sails they carry are by no means safe, being very lofty and unmanageable. The town of Como looks well from the lake; but the streets are in general very narrow and dark. There are many large, and apparently magnificent, houses; but they have a gloomy and dismal aspect. There is not much bustle or stir in the streets; and the shops are not showy nor tempting. The Cathedral is a curious antique pile, of white marble, of mixed Gothic. The town is strongly walled, and well garrisoned with *gens d'armes*, *doganieri*, and preventive-service men; for the Emperor of Austria has, what Lord Castlereagh would have termed, an hydrophobia of smuggling; and his preventive service is very active both on the lake and on shore. The duties are so oppressive, that all fair trade is at a stand, and smuggling is abundant, in spite of all precautions.

The usual consequences of such a state of things are to be seen in the demoralization of the people, and the frequency of crime. Various delightful excursions may be made on the lake: amongst the rest, travellers usually visit the Casa Principessa, which has acquired a melancholy celebrity, as having been the residence of Queen Caroline, and of which so frequent mention was made in the revolting proceedings in the House of Lords against that unfortunate Princess. It is decorated with simplicity and elegance. During her seclusion here, the numerous benefits she conferred on the poorer classes in her neighbourhood endeared her to all who were within reach of her benevolence; and her memory is still gratefully cherished, and her injuries feelingly resented. Como has furnished her share of illustrious names: The two Plinies, Paulus Jovius, two Popes, Clement XIII. and Innocent X., Volta, the physician, and that most fascinating of singers and actresses, Signora Pasta, are of the number.

In repairing to Milan, Monza may be taken in the way. The chief attraction here is the celebrated Iron Crown, with which, in

former times, the Kings of Lombardy were wont to be crowned ; and which ceremony was gone through, in modern times, by Napoleon. To see this antique, an order must be procured from the Government ; but this is attended with no difficulty. The crown is kept in the Cathedral at Monza : and there is considerable circumstance and ceremony observed in showing it. A priest, dressed in full robes, marches, accompanied by several attendants, to the altar, over which it is kept : there numerous prostrations and genuflections are performed, and incense is burned ; an outer and an inner door are then unlocked, a curtain is drawn up, and a large hollow glass cross, which incloses the crown, is displayed to profane eyes. The Iron Crown (so called) is a collar of gold, adorned with large and precious stones ; and, in the inside of the collar, is a ring of iron, made, as all true believers are informed, of the nails of the cross. The glass cross which contains the crown is brought near for the inspection of the curious ; but the 'glittering bauble' is kept from the touch of the profane, and a *fac simile* (which, by the bye, is not in the least like the original) is submitted to the scrutiny of the spectator. The glass cross contains various other inestimable relics and treasures, which the priest enumerated and pointed out, with less appearance of exultation, than might have been expected of one charged with the custody and biography of such invaluable objects. There were some parings of the cross, a thorn from the crown which was placed on our Saviour's head, a fragment of the reed which was put in his hand, and a morsel of the sponge which was extended towards him.

After the display of these spiritual treasures, the glass cross was replaced with the same ceremonies which attended its removal from its station, and the good father proceeded to show the worldly treasures of the church ; which consisted of an infinity of massive gold and silver utensils, and precious stones of the most rich and costly description ;—the offerings of pious miscreants and terrified sinners. This hoard did not, of course, escape the notice of the French when they visited Lombardy, and much of the sacred wealth travelled to Paris. It is hinted, that the restoration made by the French legitimates was not so complete as it might have been ; some of the articles being probably lost in the hurry with which the restitution was effected.

From the flatness of the country surrounding Milan, and the lofty trees with which the roads are planted, little or nothing of that fine city is to be seen, until you are actually within its gates, when its crowded streets, gay shops, stately buildings, and dashing equipages, announce a rich and populous capital. The Cathedral is justly celebrated for its vastness and beauty. It is Gothic, and is built entirely of white marble, most exquisitely wrought, which gives to the edifice a brilliancy of effect, and a chastity, of which no other material is susceptible.

The grand façade was completed by Napoleon ; and, were it not that the uniformity is somewhat disturbed by the intrusion of Grecian doors and windows, the pile would be faultless. The internal decorations correspond in beauty and symmetry with the exterior ; the altars are richly ornamented ; and the spectator is lost in wonder at the contemplation of the immense extent of its aisles.

Surprising, however, as are the inside and outside of this Cathedral, to attain a perfect idea of its merits, it is necessary to go above and below. In a fine subterranean chapel under the choir, richly ornamented with gold and precious stones, reposes, shut up in a chrystal coffin, the body of St. Carlo Borromeo, who contributed largely to the enriching of the Cathedral, and who ranks as one of the greatest benefactors of Milan. Ascending to the roof and the tower, you not only enjoy a very fine and extensive view over the plains of Lombardy to the Alps, but you have an opportunity of observing closely the light and airy pinnacles which skirt the roof and sides, and of examining the statues which crown them, and which are executed with a delicacy that would fit them for a cabinet.

LINES ON THE DEATH OF A RELATIVE.

OH, thou who wert within these chambers laid,
Without a shroud, a column, or a stone ;
Not with one blazonry of death array'd,
Thou sleep'st most tombless, trophyless, alone.
I know it—when each soothing aid had flown,
And thou wert left unwatch'd, to weep or die,
Thy young heart bow'd itself without a groan,
Or aught of suffering ; there were none to sigh,
Back o'er the ebbing breath, or clear the shadowing eye.

Did the dance sooth me, when thou went'st below,
Where many valiant, many loved sleep,
Water'd afresh by thy companion's woe,
Cast forth upon the unsympathising deep ;
There, too, a revel unto those who keep
In it their dwellings ; yea, no vision gave
Or dreams, a sign that I should vainly steep
My spirit in affliction, ere the wave
Wander'd at first above thine immemorial grave.

Where is thy sepulchre ? The earth had not
Prepar'd her breast for thee ; then time shall prove,
Though it be vain to languish o'er thy lot,
Thy death hath fix'd and canonized my love.
To gather up thy ashes, had I strove,
It were a bootless labour, and still there,
Through that dark flood defenceless they must rove,
Shut from the sunshine of the golden sphere ;
I cannot find thy tomb, thy epitaph is *here*,

ORIGIN, HISTORY, AND PRESENT STATE OF THE CENSORSHIP
OF THE PRESS IN INDIA.

No. III.

Dr. M'Lean's Proceedings after his Arrival in England, communicated by Himself for record in 'The Oriental Herald.'

BEHOLD me, then, arrived in England, that falsely vaunted soil of justice and of freedom,—‘the (so called) envy of surrounding nations, and the admiration of the world,’ in the chimerical expectation of obtaining for myself redress for personal wrongs, and for the distant and oppressed British-born inhabitants of Asia, a restitution of their arbitrarily suppressed rights and liberties by the fiat of a Governor-General. Could I have been aware, that in the year 1799 of the Christian era, the spirit of freedom would be found as quiescent in England as it had become in Bengal, after the press had been duly fettered, although I would not have acted differently in my dispute with the Marquis of Wellesley, I would, after my expulsion, have taken the most direct and the earliest opportunity of proceeding to the United States of America. This step, besides affording some means of retrieving my prospects in life, would have saved me a subsequent persecution of twenty-eight years. I do not advert to these things now with an idle view to any vain regrets, but in evidence that the cause of this mischief is of so extensive and permanent a nature, that very great changes are necessary to remove it, and to purify the political atmosphere. But it would have required the gift of prophecy, in a person residing in India, to have anticipated so total an apathy to the affairs of that country in England. The tyranny perpetrated in Asia, I soon found, was contemplated in Britain with as much indifference as if it had happened in the moon. And this was not yet all; for, by a clause in Mr. Pitt's India Bill, as I was informed, a pretext was established for prosecuting as offenders, in England, persons expelled from India by the despotic mandates of a Governor-General, so that by seeking redress for past oppression, I might only chance to be oppressed the more. It seemed that, with the spirit of freedom, all sense of justice had also fled the soil. It was proposed, indeed, that my case should be laid before the House of Commons, under the auspices of Sir Philip Francis. But the manner in which I found it was to have been done, did not by any means meet with my approbation. Persuaded that it would only have the effect of giving rise to a debating field-day between the two factions in that House, like a field-day at the Fives-court, without being even incidentally productive of any advantage to the aggrieved parties, I folded my papers, and determined, by the advice of Mr. Robert Cutlar Ferguson, afterwards Advocate-General at Calcutta, to retire to the *Oriental Herald*, Vol. 16.

town of Hamburgh, in Germany, there to practise my profession. After a residence of three years on the Continent, I returned to England. I now found, that the restrictions which had been, in fact, imposed upon the Press in India, at the period of my expulsion, were soon thereafter formally and shamelessly promulgated in the following edict :

' Regulations respecting the Publication of Newspapers.

' 1. Every printer of a newspaper to print his name at the bottom of the paper.

' 2. Every editor and proprietor of a paper to deliver in his name, and place of abode, to the Secretary to the Government.

' 3. No paper to be published on a Sunday.

' 4. No paper to be published at all, until it shall have been *previously inspected by the Secretary to the Government, or by a person authorized by him for that purpose.*

' 5. The penalty for offending against any of the above regulations to be *immediate embarkation for Europe.*

' Rules for the Guidance of the Secretaries to the Government in revising the Newspapers,

' To prevent the publication of

' 1. All observations on *the state of public credit, or the revenues, or the finances,* of the Company.

' 2. All observations respecting the embarkation of troops, stores, or specie ; or respecting any naval or military preparations whatever.

' 3. All intelligence respecting the destination of any ships, or the expectation of any, whether belonging to the Company, or to individuals.

' 4. All observations *with respect to the conduct of Government, or any of its officers, civil or military, marine, commercial or judicial.*

' 5. All private scandal, or libels on individuals.

' 6. All statements *with regard to the probability of war, or peace,* between the Company and any of the Native Powers.

' 7. All observations tending to convey information to an enemy, or to excite alarm or commotion within the Company's territories.

' 8. *The republication of such passages from the European newspapers as may tend to affect the influence and credit of the British power with the Native states.'*

These regulations were moved for in the House of Commons ; but, as usual in such cases, their production was followed by no censure, or other efficient or creditable proceeding. Upon the arrival of the Marquis of Wellesley from India, in 1806, I published the

correspondence between us, with what I deemed suitable commentaries, in the shape of a pamphlet, entitled, 'The Affairs of Asia considered in their Effects upon the Liberties of Britain,' &c. But such was the state of the Press, and of the public mind in England, at that period, that I was obliged to act both as printer and publisher myself, in order to usher this production into the world. One would have thought that the official influence and power, along with the person of the Governor-General, had been transferred to England. Such debasement of the human mind as this state of things indicated, in a nation calling itself free, is scarcely credible. In order that the recollection of these important transactions may not become imperfect, or be lost, but that it may be preserved so as to produce its due impression, whenever the public mind of this country shall be fully prepared to receive it, I think it proper now to place the contents of that pamphlet, modified, upon permanent record, in that valuable publication, 'THE ORIENTAL HERALD,' whose Editor, Mr. Buckingham, has so ably and assiduously, and, let us trust, in the end we shall have to say, so successfully laboured to restore the freedom, the dignity, and the usefulness of the Press in British India. Besides the powerful and persevering labours of Mr. Buckingham, the public have been greatly enlightened upon the subject of the Press by that excellent and efficient friend of his species, Colonel Leicester Stanhope, in his able work on that subject, as well as by numerous other performances.

The narrative and official correspondence do not require or admit of any essential alterations, excepting by the omission of such parts as appear to be unnecessary or irrelevant. They are, therefore, published nearly in the same form in which they originally appeared in 1806, with some trifling differences, principally in the arrangement. But with respect to my letters addressed to the most noble the Marquis of Wellesley, consisting of commentaries upon the facts, I have freely altered or expunged passages, in the hope of rendering more just and apt my elucidations of that Governor's proconsular conduct. Their order is also materially changed, with a view to general improvement; but their features, in the main, will still be recognized to be essentially the same.

LETTER I.

'To the Marquis of Wellesley, formerly Governor-General of India.

"Whoever will attentively consider the English History, may observe that the flagrant abuse of any power, by the Crown or its Ministers, has always been productive of a struggle, which either discovers the exercise of that power to be contrary to law, or (if legal) restrains it for the future."

Blackst. Com., vol. iii. p. 135.

'MY LORD,—I rejoice that your arrival in England affords me the opportunity of renewing the subject of our correspondence in India, upon terms of somewhat less inequality. Aware, as I am,

of the weight which, in this country, family connections, wealth, and parliamentary influence, throw into the scales of a contest, I feel that it would be paying a bad compliment to the spirit and understanding of the people, to doubt that, when their rights and liberties are invaded, even in a distant portion of the empire, they will make common cause in their defence.

‘Holding it to be the first duty of every subject of a free state to resist all encroachments, whether in his own person, or on a more general scale, upon the rights and liberties of this country, I glory in having opposed a regular resistance to pretensions, I will not say simply unconstitutional, but wholly incompatible with the existence of any degree of freedom. During your administration of India, I made an insinuation, in one of the public newspapers, of improper conduct against a magistrate. You required me to make an apology for that insinuation. I refused to make such apology. You sent me a prisoner to England.

‘The arbitrary imprisonment and transportation of an individual will be considered of little importance by those “whose understandings measure the violation of the law by the magnitude of the instance, not by the important consequences which flow directly from the principle.” It is not to such men that I address myself, nor to those “who, affecting a character of moderation, in reality consult nothing but their own immediate ease,” nor to such as “are weak enough to acquiesce under a flagrant violation of the laws, when it does not directly touch themselves.” To persons of this description, I have only to say, I lament that a punishment more severe than contempt has not been provided for such despicable supineness.

‘But I am unwilling to believe that there is yet a man in the kingdom so criminally indifferent as not to be roused, if not from sentiment, at least from a consideration of remote interest, by the series of profligate measures which I here present to his view. They are not simply a gradation of private injury, or public wrong, or even an imperfect mixture of both; but an absolute and complete violation, in epitome, of all that is most precious in the principles of the British Constitution, and that in as perfect a form as it is possible for the human imagination, in civilized times like these, to conceive practicable in any portion of the British empire. If the establishment of a despotism over a hundred millions of people, be not sufficient to strike a general alarm throughout the land, and to cause the most vigorous measures of inquiry, the national apathy must have already reached a point from which there is no return. Let us take a cursory view of the stages or degrees by which you completed the climax of despotism. The conduct of the Magistrate of Ghauzeepore in abetting a conspiracy against Mr. Maclean, and yours, my Lord, in abetting the conduct of the Magistrate of Ghauzeepore, cannot be better characterised than in the following words of Blackstone: “There is yet another offence against public justice,

which is yet a crime of deep malignity; and so much the deeper, as there are many opportunities of putting it in practice, and the power and wealth of the offenders may often deter the injured from a legal prosecution. This is the *oppression* and tyrannical partiality of Judges, Justices, and other *magistrates*, in the administration and under the colour of their office. However, when prosecuted, either by impeachment in Parliament, or by information in the Court of King's Bench, (according to the rank of the offenders,) it is sure to be severely punished with forfeiture of their offices, (either consequential or immediate,) fines, imprisonment, or other discretionary censure, regulated by the nature and aggravations of the offence committed."

"But if such crimes, as we are told by that sound lawyer, deserve impeachment, what must we think when we find that these were but the mere incipient stages of your progress? That you proceeded in your course with a rapidity worthy of a better cause, and never drew breath until you annihilated the personal freedom of the subject, and extinguished the liberty of the press in India? These offences are here proved by facts the most incontrovertible. It will depend upon others to apply the punishment. Had not the measures of your administration, my Lord, been stamped with a character of consistency throughout, I should have much doubted whether you were fully aware of even the most immediate consequences of the arbitrary proceedings, which are the subject of these letters. To suppose that you could have perceived them all, would, I trust, be paying too high a compliment to your discernment at the expense of your integrity. Did you perceive that, in the single fact of imprisoning and sending an individual to Europe, for refusing to make an apology for having insinuated improper conduct against a magistrate, you were, in effect, asserting the general principle, that the liberty, property, reputation, and even life, of every British-born subject in India, were equally at your disposal? That you had the right of transportation over every individual who did not pay implicit obedience to your will—a doctrine which you afterwards, in promulgating your regulations for the press, did not scruple formally to avow?

"After having asserted this right of transportation for every act of disobedience to your will, and, by laying previous restraints upon publications, prevented the possibility of committing offences by the press, it would require some ingenuity to divine means by which you could have taken the law more completely into your own hands, or established a more perfect system of despotism. Although the facts would be more striking, the principle could not be better illustrated, if you had abolished the courts of justice as useless, and shipped all the Judges for Europe.

"With respect to the extinction of the liberty of the press, it was the natural consequence, as indeed it was the principal object, of

your assumption of the power of transportation in my case. You best know, my Lord, whether, during your administration of India, you committed many similar acts of prowess, or were satisfied with the manifestation of your strength in this single instance. This, indeed, as the accumulation of instances would not affect the principle, is a matter not of great importance to the public to ascertain. From what has passed in my case alone, we are fully entitled to conclude, that, if your Lordship was sometimes graciously pleased to be merciful, you must still have considered yourself as having an undoubted right to exercise the same arbitrary authority over every British-born subject in India which you exercised over me. The singularity of the case, if it be singular, would but aggravate the oppression of the individual, without mitigating the offence against the state.

‘Let others accuse you of disobedience to the Court of Directors, extortion, misapplication of public money, oppression of Native Princes, unjust partiality to your relations, and making war contrary to law, for purposes of aggrandizement. These are, indeed, grievous offences; but, in their consequences to the people of England, they dwindle, in my opinion, into nothing, when compared to the enormity of those which the facts here detailed infer. If the twenty millions added to the Company’s debt during your administration, had been all appropriated to your own use, or divided among your partisans; if you had oppressed, banished, or beheaded, all the Native Princes of India, for the purposes of extortion and of aggrandizing the Company’s territory; although, morally speaking, these would be great crimes, the legal measure of punishment might be difficult to determine. But when justice and freedom, the natural props of every state, are taken away from an empire so aggrandized; it stands a colossus with feet of clay, ready to fall upon the parent state, and crush her in its ruins. The consequences are incalculable, and the nature of the crime well understood. I wish, my Lord, this was only declamation; but, unfortunately, the case is too well made out: You have destroyed liberty, and violated justice, in our great Eastern empire. The fact, the precedent, and their whole enormous chain of consequences, are already operating with secret, but accumulating force, against the liberties and the constitution of this country, and rapidly undermining their foundation. The reflux of Asiatic despotism, if we do not oppose an immediate resistance to the torrent, will overwhelm us in irretrievable ruin.

‘When it becomes necessary to accuse of high crimes and misdemeanours a man who has held important offices in the state, I feel the ungraciousness of the task, and undertake it with reluctance; but a paramount duty imposes it, and I shall perform it to the best of my ability. On such occasions, it is usually one of the first questions asked by the public, “What are the motives of the accuser?”

And although motives cannot affect the truth of facts, and are seldom easily ascertained, yet this curiosity, as originating in a wish to prevent the operation of prejudices against persons under the imputation of crimes, is in itself laudable, and ought therefore to be gratified. It seems also due to myself that I should, on this point, enter into some explanation.

‘Men of slavish minds, consulting their own breasts as the only standard of human sentiment, are incapable of conceiving that such a thing as public spirit can exist. According to them, every charge of state delinquency must originate in motives of interest, prejudice, or passion, taking these words in their ordinary, not in their strict philosophical acceptation. But such monstrous doctrines are unfit for a community of free men. A people by whom sentiments so degrading can be entertained, are already more than half-enslaved : they are *homines ad servitudinem parati*.

‘If I should be accused by your partisans of acting from motives of resentment, founded on a deep sense of injury, I do not know that it would be very necessary for me to repel the charge. Mr. Selden, when he was arbitrarily imprisoned by an order of King Charles I., retained his resentment twenty-four years after his liberation. But there is a wide difference between entertaining a legitimate resentment, and gratifying a useless revenge. There is besides, if you are yet to learn it, in the minds of free men, a resentment for public wrongs—a resentment for liberty violated, which they cannot and ought not to relinquish. If, after the lapse of centuries, we still remember with indignation the conduct of men much less tyrannical, and much more excusable, than your Lordship, surely we may be permitted, merely as members of the community, to retain some gentle sparks of indignation against public measures, which we are likely to feel in their remotest consequences.

‘If there was no possibility of your Lordship ever having an opportunity of acting upon your own confessed principles of government in public life ; if there was no possibility of my coming, as a subject of this country, again in collision with those principles ; if there was no possibility that future Governors should act upon the precedents you have established, or that the despotism of Asia should in the end swallow up the liberties of Britain ; I should most willingly consign the whole affair between us to an everlasting oblivion ; for, indeed, my time might be much more profitably, as well as more agreeably, employed, than in the discussion. To undertake the labour and expense of laying this detail before the public, if there were no other motives than the gratification of a useless revenge, would, after such an interval for deliberation, be a strain of folly, which even you, my Lord, will scarcely impute to me, knowing, as you must do, that, after the experience I have had, nothing but a firm conviction of right could induce me coolly to re-enter the lists against so formidable an antagonist.

‘Those who know me intimately will not, I believe, doubt my sincerity, when I declare, that, far from considering the political duties of the individual as limited to himself and his acquaintances, I should not have remained an indifferent spectator to the violation of any principle of the British Constitution in the person of a total stranger. I well know the disadvantages of indulging such sentiments in these times. But if men did not frequently act upon them, even at the expense of their interests and prospects in life, the country would be in a most deplorable situation. For my part, so strongly am I impressed with the advantages and necessity of animadverting freely on the conduct of public men, that I would not relinquish the right of discussing the extraordinary pretensions of your Lordship, were I sure of incurring the penalty of being re-banished from England to Bengal.

‘Has ever such a monstrous instrument of government been known in the world, as that with which the patronage of a subordinate country, possessing a hundred millions of inhabitants, supplies the Administration of a mother country possessing only fifteen or twenty? Is there a family in England, Scotland, or Ireland, that has not some friend or relation to be provided for in India? How many individuals, how many families, how many whole counties even, will the expectation alone of preferment keep in a state of subserviency and debasement? Is it extravagant to suppose that a patronage so immense is alone capable of sustaining an Administration in office, not only contrary to the voice of the people, but even to the power of the Crown? In the hands of a wicked Administration, so enormous a source of influence is alone adequate to undermine the freedom of the state. But even at the disposal of the most virtuous Administration that can be supposed to exist, it would, by a gradual but infallible operation, produce an abject and servile disposition in the people, and rooted habits of tyranny in their rulers. It is, therefore, a political monster, against which every man in the universe, who does not wish for a return of slavery and barbarism over the face of the earth, should raise his voice.

‘Under the actual circumstances of India, men going in official capacities to that country are but temporary tenants of the soil, who wish to make the present crops as productive as possible, having no interest in the permanent improvement of the estate. Those who make large fortunes generally return to England, and it is their great ambition to become Members of Parliament. Now, without thinking worse of these gentlemen than of any other sort of men placed in similar situations, I cannot believe that, after having been inured to Asiatic despotism, for ten, fifteen, or twenty years, they are the most fit persons to compose the senate of a free nation, particularly if they have been under the tuition of such Governors as your Lordship.

‘The liberties and independence of England, I maintain, have no-

thing to fear from the power of France, but every thing from the influence of Asia. The freedom which is smothered for a moment by a foreign invasion, may burst forth in all its pristine vigour ; but that which is extinguished by a gradual debasement of the soil, will not resuscitate for ages. To what purpose shall we have expended such enormous treasures, and sent forth such mighty armaments, to prevent the risk of foreign subjugation, if we are to suffer our liberties to be gradually undermined at home ? If we are to be slaves, is it of any consequence who are to be our masters ? But domestic tyranny, if it were not in itself odious, would, in the end, infallibly prepare us for a foreign yoke.

The necessity of watching the silent and almost imperceptible progress of despotism is thus eloquently expressed by a writer, to whom the people of this country owe many obligations : " If an honest, and I may truly affirm, a laborious zeal for the public service," says Junius, " has given me any weight in your esteem, let me exhort and conjure you, never to suffer an invasion of your political constitution, *however minute the instance may appear*, to pass by without a determined persevering resistance. One precedent creates another. They soon accumulate and constitute law. What yesterday was fact, to-day is doctrine. Examples are supposed to justify the most dangerous measures, and when they do not suit exactly, the defect is supplied by analogy. Be assured that the laws which protect us in our civil rights, grow out of the Constitution, and they must fall or flourish with it. This is not the cause of faction, or of party, or of any individual, but the common interest of every man in Britain."

MEMNON.

Son of the morn ! his sepulchre
Is desolate and lone ;
But yet the monarch's form is there,
Though Thebes holds not his throne.
He saw three thousand summers smile,
And pass him as a flood,
And still upon the banks of Nile
The giant statue stood.

Changelass,—he saw change pass on all ;
The beautiful become
Dark and defaced ;—the kingly hall
The lion made his home ;

Princes, as shadows, come,—then fade ;
 They ruled,—and they were gone ;
 Monarchs enthroned,—then darkly laid
 Where slave and king are one.

He saw Sesostris' victor car,
 And all his harness'd kings ;
 From Europe, lo ! his hosts afar
 The Macedonian brings !
 He saw the Persian conqueror
 Pass trackless, and the hour
 When Cleopatra's smile was more
 Than sceptre-fame and power.

And midst the silence of the plain,
 The harping giant sent,
 As morning broke, a soft low strain,*
 Like spirit's wild lament ;
 As if triumphant over earth,
 And years that roll between,
 Yet mindful of his heavenly birth,
 He hail'd the morning's queen.

For he whose sculptured form ev'n now
 Stands firm while nations fade,
 Time was, a crown adorn'd his brow,
 A land his voice obey'd :
 He fell,—and his high monument
 Is Ida's sacred hill ;
 His tomb is where the Hellespont
 Rolls on in beauty still.

Troy saw his might,—earth heard his fame,
 Ere Priam's race was run ;
 How to the fields of Simöis came
 The morning's glorious son !
 And them, in many a fabled lay,
 The ancient minstrels sing ;
 Aurora, herald of the day,
 And Memnon, Egypt's king !

Liverpool.

H. W. J.

* Strabo affirms that this was witnessed by himself.

NUMA POMPILIUS AND EGERIA.

*Egeria est quæ præbet aquas, dea grata Camœnia,
Illa Numa conjux consiliumque fuit.—*

OVIA.

NUMA POMPILIUS AND EGERIA.

Scene—The African Forest, by Moonlight.

NUMA.—Once more, beloved Egeria, thy Numa beholds thee !—
Oh, who could look upon that eye and brow, and deem it a deception
that I have represented thee as an immortal ?

EGERIA.—I would not *be* one :—is it not enough for one happy
being, that she possesses the love of Numa ?

NUMA.—The prospect of this meeting has again sustained me
through the splendid pains of another interval of royalty. Reluctantly,
as thou knowest, did I accede to the wishes of the Roman people ;
and the crown of Romulus is still heavy upon my brow. Oh, that I
could fling it aside at once and for ever, and retire in peace to
solitude and Egeria !

EGERIA.—Say not so, my Numa, say not so ! Thy Egeria loves
thee as the benefactor of a nation : she loves thee in the glorious
character of a patriot king. Did she revere thee less, she could
not love thee so well. Thou mightst, indeed, retire to ignoble soli-
tude ; but the heart of Egeria would be in the grave of thy fame.
Speak not thus, Pompilius, if thou wouldst forbear to grieve me ;
but let the words of the Father of Rome correspond with his
actions.

NUMA.—Couldst thou preside, my beautiful love, but one day
invisibly upon the tribunal of thy husband, thou wouldst, perhaps,
condemn him less for feeling what he confesses to thyself alone.
The scenes which are there day by day repeated. . . . But where-
fore should I fill thine innocent and happy fancy with pictures of
shame and sin ? Meeter for thee, my crownless queen, are the
quiet shadows of this unprofaned grove, the breath of the sacred
flowers, the music of the moonlight fountain, and the song of the
nightingale, sweet and solitary as thyself. Meeter for thee in this
Elysian retreat to live, to love, and, if it must be, to die, than to
grieve in vain for human folly and crime. Wherefore should in-
nocence move in the haunts of guilt, or purity inhale the atmo-
sphere of pollution ? For thee, and for such as thou, if any such
there are, Nature was made beautiful and Solitude peaceful.
But say, Egeria, in thy temporary widowhoods, hast thou never
breathed a wish for the pleasures of the city, or a sigh for the
pageantry of the court ? Hast thou never desired to exchange thy
forest for a kingdom, and to share the honours of Numa's throne ?

EGERIA.—Never, my husband, believe it,—never.

NUMA.—Can it be, that, when thou rememberest me in thy lonely hours as the sovereign of Rome, thou hast never thought who should be her queen?

EGERIA.—Enough for Egeria to be the wife of her king. Have I not a throne in Numa's bosom? Do I not sway the sceptre of his memory, and wear around my heart the diadem of his love? And if, beloved doubter, thou dost still imagine that this is all too little to satisfy my ambition, look around, and acknowledge that I too possess a regal territory of mine own,—one in which I have indeed been a happy queen. Numa himself is here my subject. See, yonder are the glades in which we have met and parted, on many a summer eve, balmy, serene, and beauty-breathing as this. There is the quiet grotto, in which thy society has filled my heart with love and happiness, and in which thou hast so often taught my thoughts to glow awhile with the light of thine own. Before us sparkles the diamond fountain, along whose green borders we have planned together the happiness of thy people. Canst thou look upon all this, my Numa, and deny my royalty, or think that any queen has a kingdom like mine? Thou smilest—yet I will not ask forgiveness for what thou knowest to be the loquacity of love.

NUMA.—Forgiveness for *love*, Egeria? It is a thing, sweet offender, of which I must not be prodigal, even to thee; I need it all to expend upon *hate*. It is I alone who am to be forgiven; yet believe it, beautiful solitary, thou hast been tried, far more than doubted. I believed—I believe, that thy wishes are as simple as thy mind is high and thy spirit pure. For one moment only did I harbour the thought that thou mightst sometimes pine in the absence of Numa, for the honours of a world forgotten in his presence.

EGERIA.—To me the honours of a world are *nothing*; but of thine, Pompilius, it is the pride and happiness of Egeria to partake. In every benediction of thy people upon their father, I share, amid the loneliness of this sequestered spot, as much as if I were acknowledged for the Roman Queen. Invisible and remote, I still participate with thee in the reverence of the good and the admiration of the wise. I look beyond the tomb, and anticipate, with prophetic affection, the feelings with which future times will look back upon the present. Love has made thy glory mine; and sweet to Egeria's soul is the music of thy fame. But did I not hear thee speak of *hate*? Can it be, my husband, that Rome is ungrateful?

NUMA.—Man, Egeria, is in Rome what he is, and has been, in all other societies; and he who, in *any* society, aspires to be great and good, cannot do so without creating enemies. The bad will hate him for his virtues, the profane for his piety, the turbulent for his gentleness, and the envious for his glory. I have closed,

indeed, the temple of Janus; but there are many in Rome for whom it is closed in vain. I have transferred from Alba the Vestal Fire; but it burns as yet dimly in Roman air. Yet it is my hope, that over my ashes at least, if not before, error will be dissipated and envy forgot. The justice, which is due to the living, will be rendered to the dead; and in some greener Aricia beyond the tomb, we may wander yet as we now do in *this*, and hear our memories blessed and our rights accorded. If Rome be not a powerful and a prosperous state, she shall not at least have to curse the day when she sent to the Sabine Cures for a stranger-king. But enough of this,—the fatigues of royalty endue repose with a tenfold charm. And yonder, Egeria, behold our grotto, with the ivy over its entrance, sparkling, as it were, a moonlight welcome, to a queen who prefers a flower-wreath to a crown, and a king who has left his court for the forest.

Creditor.

J.

SONNET TO A YOUNG LADY.

LIGHT of my heart! I've gazed on brighter eyes,
 But not on eyes that spoke a purer mind;
 Glances I've seen might dazzle and surprise,
 But none so softly, eloquently kind:
 I have seen brows that with more radiance shined,
 And forms, perhaps, more exquisitely fair—
 But in thy breast, I deem, most chastely shrined
 That which refines each joy, and charms all care:
 I have seen many a wreath of golden hair,
 Or glossy jet, o'er graceful necks dispread—
 Yet next my heart I only seek to wear
 One simple ringlet from thy modest head;—
 And to thy trust, sweet maid, I long have given
 My latest hope on earth, my first in Heaven!

JOURNEY FROM MADRAS TO BOMBAY.

No. VIII.

Arrival at Cananoor—Society of this Station—Voyage to Calicut, and Description of that Place.

THIS morning, (March 16,) I started on my journey at four o'clock; and after passing the same kind of road as that described on the preceding day, I arrived at eight at a small village of which I did not learn the name. This differed from that which we had left, in having its huts thatched with palmyra leaves, as that species of tree, together with the cocoa-nut, grew abundantly in the neighbourhood, a circumstance which marked our approach to the sea. I will not affirm that this tree is never found far inland; on the contrary, I have met with it growing spontaneously at a distance of ninety miles from the coast; yet it is seldom seen but in a flat, and what may be called, a marine territory. It flourishes best, in common, I believe, with most of the palm species, in low land, close to the sea.

Here I took my breakfast, waiting until my bearers should be refreshed, and as my palanquin was placed under the projecting roof of a private hut, there being no choultry in the place, I had the opportunity of conversing with some Mapalars, a race which I have already noticed as of Arab origin, and of observing the free and independent manner which they seemed to inherit from their ancestors. One of them, a stout young man, who had been employed to procure me some eggs, seemed, from the tone of his remarks, to think himself at least my equal in point of rank, a circumstance which would not perhaps be extraordinary, as observed of any low person in England, but is highly so in India where great deference is paid to superiors. His manner had a freedom in it amounting to assurance, and he satisfied his curiosity in the most unceremonious way by examining minutely all my travelling equipage. I was much pleased with this show of independence so perfectly novel, and increased his gratification by permitting him to criticise the plates in 'Moor's Hindoo Pantheon,' and even to fire off my gun. But what more especially raised me in his good opinion was a present which I made him of one of my white-handled dinner knives, for which he forthwith found a place in his girdle, all his tribe wearing a weapon of this kind at their waist.

As these people seemed very muscularly made, I was led, as a matter of curiosity, to try their powers, by desiring them to hold out, at arm's length, one of my cavady boxes, which, by previous experiment, I found that I could retain in that position for some seconds. The

athletic young man, whom I have mentioned, could barely move it off the ground; but there was a thinner and taller man present, who could just raise it to arm's length, without being able to retain it there a single moment. Yet these were the stoutest Indians I had yet seen.

After being treated by my Mapalar friends with the fresh juice of some young cocoa-nuts, for which, notwithstanding all my endeavours, they would not accept any remuneration, I started at eleven o'clock, and after travelling ten miles on a good road, running over open high hills of a reddish soil, I arrived at Cananoor at two o'clock. I put up at Captain ——'s, whose house was agreeably situated on a rising ground, some distance from the town and fort. It had, however, a disadvantage in appearance common to all the dwellings of Cananoor, for it was pent-roofed, and thatched with bamboos, cocoa-nut leaves, and dried jungle grass. This is found to be the only kind of covering that withstands, without leaking, the torrents of rain which the monsoon brings to this coast during half the year. Tiles, indeed, would be sufficiently proof against water, but not so against the violent storms of wind which occasionally blow. For the walls of houses, the laterite stone, so often mentioned before, is in universal repute.

On the following morning, March 17th, I began to make inquiries respecting a conveyance by sea to Bombay, and learned that there was not any vessel sailing, either from this port or from Tellicherry. We dined out in the evening with the commandant of the cantonment, and met a party of seven or eight officers, and at least ten ladies, an extraordinary proportion to be found at an out station in India. This balance in favour of the fair sex was owing to the circumstance of their husbands being in the field; for, although there are usually three Native battalions and a European regiment stationed at this place, there was now remaining only one battalion of Native infantry. At dinner, and after the cloth was removed, there was much drinking, especially of beer, a most disgusting habit, which grows upon a man rapidly in this thirsty climate.*

Captain —— and myself succeeded in effecting a timely retreat from the party, who, when the ladies took their leave, which was not until they had played some round games at cards, again sat down to drink, probably till morning.

March 18.—The morning was spent in inquiries regarding my future proceedings, and in the afternoon I rode out with my hospitable host and a friend, to view the cantonment. It is situated on the open hills, over the sea, and contains, of course, besides the barracks, a number of private houses, occupied by the officers and

* I once saw an officer, who assured me, that, assisted by a friend, he had more than once finished three dozen of beer at one sitting!

their families. The aspect of the country is rather bare and dreary; the dark ferruginous hills being only cultivated, where the inhabitants have gardens. There is a church in the cantonment, built in a plain style, like some of the new chapels near London; and a clergyman of the Church of England is attached to the station. The fort of Cananoor, which is at a little distance from the cantonment, and close to the sea, is built of brick, and appears to be small, but we did not enter it. The Native town lies beyond this, and is situated along the sea shore; it seems populous, being supported as well by the coasting trade, as by the supply of the troops, with the various articles of their consumption.

I learned to-day that the *Ernaad*, a vessel belonging to the East India Company, and employed in conveying timber from the forests of Malabar to the dock-yards of Bombay, had arrived at Calicut. It was now, therefore, determined that my best plan was to proceed thither by sea.

On the following morning, March 19th, Mr. ———, having heard that I intended making a coasting voyage to Calicut, offered me a passage in one of the small vessels employed by him, as commissary, on account of Government, and which was to sail on the following evening. In the evening, this gentleman drove me out in his bandy, a Native term, (vandi,) by which gigs are designated in the Peninsula. We took a northerly direction from Cananoor, parallel with the coast, along a hard road, with trees on each side, until we reached a village called Bimlipatam. Here we entered a romantic valley, watered by an inlet from the sea, and beautifully wooded on either side. An old French factory commanded the village, and formed a very picturesque object from below. The inhabitants of Cananoor frequently make excursions of pleasure to this place, and form parties, who amuse themselves with boating on this beautiful expanse of water.

March 20.—I discharged my bearers to-day, as I was now about to commence a very different mode of travelling from that of the palanquin.

I took my tiffin (lunch) with Mr. ———, who pointed out to me in his garden the cinnamon and some other aromatic trees, as well as the sago, a beautiful species of palm; and in the afternoon, after taking leave of my host, I proceeded to embark. Several good houses were built along the beach, and among the rest, one belonging to the Beebee, or, as she is sometimes called, the Rajah of Travancore. This woman is of a very high Musulman family, and Tippoo Saib forced her to betroth her daughter to his son; but in consequence of Tippoo's death, the marriage never took place. The Rajah's family were the sovereigns of this part of the coast until the English took possession of it; and she at present receives a pension from the Company. With this she prosecutes a very flourishing trade with different parts of the coast, and with Arabia. This

is carried on in her own ships, and notwithstanding she is eighty years of age, the whole concern is conducted by herself.

After taking leave of my companion, I embarked in a long flat-bottomed boat, with oars made of a platter of wood, tied to the end of pieces of bamboo, and we soon reached the vessel, which was already under sail outside the anchorage. This craft was of the description called a pattimaroo, which varies in size from ten to forty tons. She had a mainmast, on which was hoisted a large sail, and a bowsprit and a jib forward. She could also, if necessary, carry a small mizen abaft. Both her head and her stern were pointed; and in the latter there was a small recess or cabin. The cross beams, both before the mainmast and abaft it, were moveable, so as to admit of her being easily loaded; but when these were shipped, a thick mat, made of split bamboos, was laid over them, and formed a deck. The evening closed in, and I retired to my palanquin to avoid illness.

On the following morning, March 21, we were within sight of Calicut by nine o'clock, but it had fallen calm at day-light, so that we had made but little way since that time. About ten a breeze sprung up, and enabled us to run into port, where we arrived at eleven. On landing, I found bearers, with sedan chairs, on the beach, anxiously looking for custom. These chairs are not carried as with us, by two persons, but after the manner in which his holiness the Pope is conveyed about, on the shoulders of four. As I was a stranger in Calicut, I thought it advisable to fix my headquarters at some public choultry, but, upon inquiry, I found that the only accommodation in the neighbourhood was an old empty house, about a mile distant. In my way to it, I passed through Calicut itself, a town consisting of mean houses, disposed in narrow streets and alleys, while the country around, unlike any I had seen in India, was divided by hedges and other fences.

In the course of three or four hours I had recovered from the effects of my voyage, and therefore went to pay my respects to the collector. Mr. ———'s residence was in the country, about three miles from Calicut, and the road to it ran through a flat district, with enclosed fields and topes of cocoa-nut trees.

On my arrival, Mr. ——— pressed my acceptance of a room in his house, during my stay at Calicut. Some doubts were expressed whether I should be able to procure a passage in the *Ernaad*, from the number of passengers who had already engaged births.

March 22.—This morning I rose early and walked out among the hills in the neighbourhood. The teeyers, who are the cultivators of the soil, live within their groves of cocoa-nuts, mangos, and jack trees, which are intersected by narrow and deep lanes, leading up to their mud-built houses. Their land is well cultivated in

squares of about thirty yards diameter, and the husbandmen were now employed in turning in a manure of ashes and cow dung, a degree of attention to the amelioration of the soil which I had never before seen in India. For this purpose they used a small plough about a yard and a half high, with an iron share, and drawn by two oxen. On my way home, I saw a small pagoda, which differed from any I had hitherto met with. It was a shed supported on four posts, under which there was a square mound of earth surmounted by a small tablet of wood. For some distance around, the ground was cleanly swept, and there were several stones on the floor arranged in a circle, and set up on end supported by raised heaps of earth.

There was nothing upon the entablature. The Hindoo deity Shiva is sometimes worshipped as invisible; but it seemed a contradiction to represent him at the same time under the symbol of the lingam, of which I took these stones to be a representation.

The country near the coast here is exceedingly fertile and beautiful, consisting of cocoa-nut, mango, and jack trees, hills and valleys cultivated with different kinds of grain, and pepper plantations. The mountain district of the Ghauts is not far from the coast, and excepting the very summit of the hills, which are cultivated with cardamoms, consists of interminable forests of bamboo, ponn, and teak.

I visited in the evening a pagoda, near the sea, erected on a low hill, and approached by a long flight of stone steps. This building, though a fair specimen of the religious structures in Malabar, was not to be compared with those of the same description on the eastern side of the Peninsula. Instead of being formed, like them, of durable granite, it was a miserable hovel of brick, partly thatched with grass. None of the Brahmins of the place made their appearance, but there was one from Tanjore at his prayers, who said that he was travelling through the country in quest of alms, to enable him to perform a pilgrimage to Ramesseeram.

THE DEATH-CHARGE OF MAHONNAL.*

'My young son, approach me, sole child of my love:
'Mid the faintness of death, a still voice from above
Doth tell me from hence that I shall not depart
Ere I read thee the charge that oppresseth my heart.'—

* A chief of this name, at an early period of Scottish history, after receiving the death-wound of his adversary, between whose family and his own there had existed, from time immemorial, a hereditary feud,

' I know it, my father,—thou longest to tell,
'Tis thy soul's parting wish that I bear me as well
In honour's high path as my father hath done,
That his name be not dimm'd by the deeds of his son.
But believe me, my sire, that thy blood is my own,
And I will not forget that my father's hath flown
By the hand of his foeman, nor cease to pursue
That foe to the death he hath dealt unto you :
I am feeble, my sire, but when years shall at length
Have nerved my young arm with more vigorous strength,
Let him look to it then, for my wrath will not sleep ;
Now father, thy charge, for that charge will I keep.'—

' Then 'tis this : thou must promise to weed from thy heart
The seeds of red vengeance before I depart.
Thou wilt marvel, no doubt, that I counsel my son
To tread in the path I'd have warn'd him to shun,
When I revell'd of late in the fulness of life ;
But within me for ever is hush'd the wild strife
Of passion and pride,—they 've gone forth ere my breath,
So near do I tread on the confines of death,
For as narrows life's current, and as we are hurl'd
By his strong grisly arm to his dim spectral world,
Our vision of all that is earthly is changed ;
Ere his chill hand yet crush us, our hearts are estranged
From the love of the gay dreams which formerly fed us,—
From the phantoms of life which in blindness had led us,—
That triumphed in sport o'er our judgment and will,
Perverting our vision of good and of ill ;
But now in their nakedness stand they reveal'd—
At once are they shorn of the mask which conceal'd
Their nothingness ; then do we curse, as we ought,
Our weakness that worshipp'd these shadows of nought.
The strength of that pride which could not be withstood,—
That fierceness of hate that delighted in blood,—
The lust of revenge that once burned in this heart,
Have perished within me,—all quench'd is their smart.
Yet one feeling in all its fond strength doth remain :
It is love for my son—it is fear lest my name
Should perish 'mongst men—that its glory is past,
For of a long line, Raymond, thou art the last.
Then swear, that, from earth when my spirit is fled,
Thy wrath is entomb'd with the slumbering dead.'—

instead of enjoining his son to revenge his death, as was customary in that semi-barbarous age, is said to have sworn him to the strictest forbearance, as, being the last of his line, he was apprehensive of the utter extinction of his house.

' Is it thus that thou leav'st me thy love, O my sire !
 That thou tell'st me to quench all my in-dwelling fire ?
 That men in derision may point to thy son,
 And say that the deeds which his fathers had done,
 He trembled to do,—then in scorn pass him by
 Nay, strike at my bosom. I rather will fly,
 And sojourn with my sire through the valley of death,
 Than with infamy curst, take the poor boon of breath.

' It may be that my life is so near to its goal;
 That the light of divinity rests on my soul,
 Whose glance, when disrobed of the garments of clay,
 They tell us, futurity's depths can survey ;
 But I know if thou'rt tempted to hunt my foe's life,
 Thy own name and being shall fall in the strife ;
 But that vengeance shall find him if thou seek it not,
 And his name and his place on the earth be a blot.

' Nay, I pray thee, my sire, don't forbid me the field
 With thy foe.—But the lips of his father were seal'd ;
 Yet he read in the fixedness of that death-look,
 That stern, searching glance, which his rocking frame shook,
 That the curse of his sire on his soul should descend,
 If he took not the oath,—so he lowly did bend,
 And swore he would sacredly keep his bequest :—
 He smiled, and then sunk into death's dreamless rest.

And the vow which he took did he rigidly keep,
 Yet did not the thirst of his loved vengeance sleep :
 It strengthened within him—it grew with his years—
 It scorch'd and consumed him,—strange whispers he hears,
 That the son of Mahonnal is not like his sire,
 And he reads in men's looks more of pity than ire.
 In his heart did he curse them, then hurriedly fled
 From the home of his youth, where his comfort was dead ;
 Where his foe, like a basilisk, tortured his sight,
 For his vow to his sire had made worthless his might ;
 Where disdain's killing glances, with withering smart,
 Had frozen the springs of young hope in his heart.
 Then he went and sojourn'd in a far distant land,
 Where rich honours he reap'd by the strength of his hand,
 Yet he yearn'd for his country, and home he return'd ;
 His foeman had perish'd, forgot and unmourn'd ;
 Dark Faction had stricken his house with its strife,
 They deem'd that the race of Mahonnal was past ;
 They fell by each other—their death was the life
 Of the name of Mahonnal, which rose at the last.

CHINESE DRAMA.

In their dramatic compositions the Chinese are not restricted by rules similar to those adopted in Europe. A Chinese play, consisting of two or three acts, represents, not any particular event in the life of its hero, but his whole mortal career from the cradle to the grave. The unity of place is equally disregarded. In the first act of a play the scene may be laid in China, and afterwards changed to Manshuri or Mongolia. The Chinese make no distinction between tragedy and comedy, and consequently they have no rules peculiar to either of these classes of composition. Their dramas are all divided into several parts, each of which is preceded by a sort of prologue or introduction. These parts, or acts, are subdivided into scenes, if the various entrances and exits of the performers may be so denominated. Each actor, on first presenting himself to the audience, announces the name he is to bear in the piece, and describes the character he is to represent. One actor frequently plays several parts in one piece, a circumstance which often tends to destroy scenic illusion. Masks are used only in ballets, or if occasionally employed in plays, they are confined to such characters as robbers, &c.

Chinese tragedies are interspersed with songs. In the representation of any violent passion, the actor ceases to declaim, and expresses himself by singing. These songs, which are written in verse, are not unfrequently accompanied by music, and are always expressive of some sudden or violent feeling. For example, the actor sings when he is attacked by robbers, when he is roused to vengeance, or when he is preparing for death.

In China there are no regular theatres, except in the capital and some large towns. Actors travel about from one part of the empire to another. They visit different provinces and towns, and they are hired to perform in private houses when convivial parties are assembled together; for the Chinese often combine dramatic entertainments with the pleasures of the banquet. When the guests are about to seat themselves at table, four or five actors, richly dressed, enter the apartment. They make the most reverential obedience to the company, by four times bowing their heads to the very ground. One of them then hands to the most distinguished of the guests a book, in which are inscribed, in letters of gold, the titles of fifty or sixty plays, all of which the actors know by heart. The book, after passing round among the company, is returned to the principal guest, who then makes choice of the piece to be represented. The performance commences with a flourish of flutes, fifes, trumpets, and drums of buffalo skin.

The play is acted in the room in which the company is assembled, and the performers occupy the space between the tables, which are ranged in two rows. A carpet is spread on the ground, and the actors enter and retire by a door communicating with an adjoining apartment. These performances always take place by day-light, and they are frequently witnessed by more spectators than those for whose amusement they are especially intended; for it is customary to admit a number of people into the court-yard of the house, whence a view of the performance is obtained. Women too participate in these entertainments by peeping through gratings, which afford them the means of seeing without being seen.

During festivals and public processions stages are erected in the streets. On these occasions plays are acted from morning till night, and the common people are admitted to see them at a very low price.

Chinese authors of reputation seldom write for the stage: for in China the drama is tolerated rather than permitted. The Emperor Inudshen strictly prohibited the Manshurians from visiting theatres. The deceased Tsayin confirmed this prohibition, and no Manshurian officer would venture to enter a theatre without previously removing from his cap the small coloured balls which are the insignia of his rank. Owing to the prejudice against dramatic representations which prevails almost universally throughout China, theatres are held in no better estimation than houses of ill-fame, and they are tolerated only in the suburbs of cities.

In China, newspapers eagerly record the name of the most obscure private soldier, who may distinguish himself by an act of courage on the field of battle; they publish through the whole empire any example of filial love, or trait of innocence in a simple country girl; but a Chinese journalist would expose himself to punishment, should he venture to describe a dramatic performance, or even to allude to the success of a new play.

JUNIUS BRUTUS.

APOSTATES to their Sire's most glorious fame,
 And traitors to their sacred native land;
 Leagued with the tyrant and his hated band,
 That sought to stain the pure and holy name
 Of Rome's young freedom, and with sword and flame,
 To spoil her citizens and fix the brand
 Of slavery on them, with an angry hand.
 The father doom'd his sons to death and shame;
 Yet gentle feelings were within his heart,
 Throbbing and strong; and to his burning eye
 He felt the hot tear of affliction start;
 For justice fought with Nature's agony,
 And conquer'd; turning not his head aside,
 He sat in sternness while his children died.

JOURNAL OF THE ENGLISH EXPEDITION FROM INDIA
TO EGYPT.

CHAPTER III.

Sensation caused by the French Expedition to Egypt—The British Government takes measures to prevent its success.

TIPPOO SAIB, who possessed both the good qualities and defects of Mithridates,—who, with an enemy more formidable, perhaps, than even the Romans, maintained in his fall that masculine courage, which calls for the admiration of the conqueror, and commands that interest which is due to great misfortunes, had lost both his throne and his life. Mute at the sight of this spectacle, the whole country subjected to the Company, the peninsula appeared for a long time perfectly tranquil. The neighbouring states showed an equal desire to remain peaceable. Witnesses of the disasters which the struggles of Tippoo had occasioned, they feared to experience a similar fate if they followed his example. But whilst this state of things in India afforded the hope of perfect security, the invasion of the French into Egypt gave the Government a new and just subject for alarm. This country became, like all those into which the French have carried their arms, the theatre of their successes; the government of the Mamelukes was destroyed, and Turkey could no longer consider herself the sovereign of a country covered with foreign armies.

Events of this nature were sufficient to excite the fears of England. Mistress of Egypt, France might, and certainly would, have opened a communication between the two seas by a canal: her approach towards India would then be easy, and she would continually threaten this great market, which supports that of London.

The jealousy of England once awakened, she lost not a moment in seeking every possible means to oppose projects so inimical to her maintaining her empire in India. Every exertion was immediately made to prevent the success of the French expedition to Egypt.

On no other occasion has England made such great efforts; never has she employed so many means, and submitted to greater and more useful sacrifices to her interest than at this epoch. Her possessions in Africa and in Asia gave her great advantages; she judiciously calculated these, united them with rare good fortune, and knew how to profit by them.

‘To make conquests,’ says the historian, ‘depends on fortune and boldness; but to maintain an empire in a subjected country, is the work of wisdom. It is more difficult to preserve than to acquire power.’

Orders were sent to the governments of these distant possessions,

to which they had already despatched considerable reinforcements, to co-operate in the efforts of a numerous army, which was to leave England to go to Egypt by the way of the Mediterranean, making a diversion in their favour.

It must be confessed, that, with regard to states as well as individuals, there are certain times at which every thing succeeds. On this occasion, prudence counselled, and wisdom presided, at the execution; but fortune above all, even still more than skill, weighed in the balance.

The intention of the British Government was, to attack the French army on every side at the same moment.

Admiral Blanket was consequently sent before with a numerous fleet to the Red Sea, in order to inspect these latitudes, and to prepare for operation. He had orders to make himself master of some points, the possession of which was deemed necessary to the success of the projected expedition. To this end he was to take in troops at Bombay.

He established, with the permission of the Dola of Moka, a station at the Island Perim, or Babel Mandel, at the entrance to the Red Sea; but he was obliged to abandon it soon after, the island being perfectly arid and destitute of water; added to which, the fleet was considered sufficient to watch the movements of the French army.

The Government of India made its preparations with so much circumspection, that no one suspected that the object of the expedition could be Egypt. The arrival of several European regiments from England announced, nevertheless, that they really entertained fears as to the projects of the French army.

Such was the state of things at the commencement of the century.

It is time to make my readers acquainted with this capital of India which I am about to quit. I will endeavour to give a description of it, as well as of the different places at which the expedition, which left Calcutta in December 1800, touched.

CHAPTER IV.

Description of Calcutta and Fort William—Manners and Customs of the Inhabitants—Preparations for a Secret Expedition—Departure—Island of Sauger—Fleet leaves for Trincomalee—Description of Ceylon.

CALCUTTA, the capital of Bengal, and of all the English possessions in India, is a large and beautiful city, very populous, and advantageous for commerce. Its situation on the banks of the Ganges is most agreeable. The inhabitants are a mixture of Europeans, Armenians, Chinese, Mohammedans, and Indians. The

pariahs, who are held in contempt by all the other castes, into which the population of India is divided, are here very numerous. These unfortunate men, who are condemned to the lowest offices, offer the unheard of example of a people devoted by their own countrymen to infamy. As every thing is imagery in the religion of Brahma, and civil customs are founded on religious precepts, the distribution of the Indians into classes or castes corresponds with this allegory. Thus the belief which supposes the pariahs, and in general the whole caste of sudras, to issue from the feet of God, sufficiently indicates their servility, and the humiliating professions to which fate, their birth, and an irrevocable destiny attach them. These sudras form a very numerous class, which is again subdivided according to their various professions, and with a very few exceptions, they are always those of their tribe. India alone has preserved that striking feature of ancient manners, which prohibits any one from abandoning the profession of his father.

The pariahs live remote from cities and from villages, and subsist for the most part on rats, mice, insects, and things of the foulest description. The aversion which they inspire is such, that an Indian, whether a Mohammedan or a Hindoo, would consider himself contaminated by holding any communication with them. The pariah skins dead animals, tans their hides, nourishes himself on their flesh, cleans their entrails, carries away their refuse. What a frightful state of existence is this ! The entrance into the temples, and into the public markets, is denied him ; he cannot, without incurring the most severe penalties, approach the quarter of the Brahmins. He is compelled to fly from their presence. The vessel which he has touched is broken if it is of clay, melted if it is of metal ; and lastly, they are commanded, (which is the utmost extent of degradation,) to abandon their dead, which becomes the food of crows, jackalls, and tigers. Can any one, then, be astonished after this, if in such a state of degradation and slavery, the pariah lives plunged in every vice ? if his very aspect is repulsive ? if a European even feels a repugnance at being served from his hands ?

The streets of Calcutta are large and well laid out ; and the houses, although low, have a very magnificent appearance. I visited the church and the government house, which are the finest edifices in the city. I was curious also to see the celebrated dungeon in which a hundred and twenty-three Englishmen perished in 1756. I only remained there for a few minutes ; but the air of the place is so unwholesome, that I felt the ill effects of it during the whole of the day.

The Government has erected an obelisk to the memory of these unfortunate men ; their sufferings must have been dreadful, heaped together as they were in this infectious hole.

The heat is excessive in Calcutta, particularly in May and June; it is more supportable in the months of January and February. The climate is then delicious; it is, in this country, the finest season throughout the year.

The rains and the heat render the residence in Calcutta very unhealthy during seven or eight months in the year, but it might be made much more salubrious, by the removal of a great number of ditches, which it would be perfectly easy to drain.

The English, however, very rarely sleep in the city; they have almost all country houses, to which they retire in the evening to breathe the fresh air, and the next morning return to business with increased vigour.

The population of Calcutta and its environs from recent calculations, which may be depended on, is estimated at one million, one hundred and eighty thousand souls, of which about forty-five thousand are Europeans.

The Indians are mild and tractable, but they are great thieves; I really think they consider it a meritorious act to defraud strangers.

The harbour of Calcutta is large, and filled with vessels from all nations. It is difficult to form an idea of the immense traffic which England carries on with Bengal, either directly or indirectly; the entry to her ports which she has granted to foreign commerce, gives an additional impulse to her own. To give an idea of this increase, it will be sufficient to compare the number of vessels in the Ganges in 1797, and 1822: in 1797, there were five hundred and ninety-four, and in 1822, thirteen hundred and sixty-eight.

The mouth of the Ganges is not far from Calcutta; this river, which is held sacred in India, takes its source in the mountains of Thibet; after running for more than 600 leagues, in the course of which it receives eleven rivers, which surpass in size and in grandeur the Rhine and the Thames, it loses itself in the Indian Ocean. Its name, in the Sanscrit language, signifies Son of Brahma; but the Europeans give it, *par excellence*, that of Ganges, from the Hindoo Ganga, which signifies a river. This celebrated river constantly attracts from all parts of India innumerable crowds of pilgrims, who come to purify themselves in its waters. The inhabitants of the country hold it almost in adoration; but the European cannot behold without horror the numerous dead bodies, which are constantly seen floating on its surface. The waters of the Ganges being reputed sacred, it is in fact considered by an Indian the height of happiness to die on its shores. Those natives who live near the river, when they are ill, and on the point of death, are conveyed to it: the ebbing of the tide causes the waters to rise several feet, which carries off the unfortunate invalid.

Should a man die suddenly, if he is not too far from the river,

his corpse is thrown into the Ganges, and becomes the food of alligators, which sometimes also devour rash bathers.

It is from a principle of religion that the Hindoos expose, on the borders of the river, those of whose life they despair; they fill their mouths with water and then abandon them to their fate. The tide rises and washes them away: they are happy, they are gone to enjoy with their idols that felicity which awaits them. This opinion is so credited that it would be considered a crime to rescue a dying man, and he would himself be expelled from his caste, were he to recover.

These dead bodies, the crows, the vultures, and the jackalls which they attract, form a striking and painful contrast to the beautiful gardens and lovely verdure which ornament the banks of the river. This sight made a deep impression on me. I compared these images of death with the kiosks which covered the shore, with the luxury displayed in ornamenting the gardens, when a distant and terrible noise attracted my attention. As I looked around to discover if possible what it could be, curious to know what it was that drove the canoes and boats which I saw flying with the utmost speed; I became a witness of the phenomenon which excited so much terror: it was the sudden rising of the tide; the waters of the Ganges returning towards their source, rose, broke with a tremendous noise, and threatened to engulf every thing. In a very short space of time, however, the river again became perfectly calm, and the tide carried up to Calcutta several vessels just arrived from long voyages.

I quitted the spot, and proceeded to Fort William. This fort is isolated, and situated a little below Calcutta; it is spacious and magnificent, and absolutely contains nothing but the barracks, the arsenal, and magazines. The avenues are broad, and lined on each side with trees and verdure; before each building there is a square of grass surrounded with posts and chains, which serves as a place of parade for the regiments of the garrison. The barracks and buildings are extremely beautiful. The greatest possible cleanliness reigns throughout this fortress, the streets of which are swept and watered twice a day.

At Fort William there are a great number of storks or cranes which destroy the insects and reptiles, and to which the soldiers have given the name of *Adjutant*. The service which these birds render in this respect, has obtained for them the protection of the public; a heavy fine is imposed on any one who shall destroy one of these useful birds. The adjutant has a throat which dilates prodigiously, and I have seen one swallow successively, without any very great effort, a small leg of mutton, a duck, and a chicken. To make amends for this, the Fort is also infested with a species of musk rat, which perfumes every thing it touches, which is ex-

tremely disagreeable, especially as regards wine, for if the cork of the bottle has once been bitten by them, the liquid is no longer fit to drink.

There exists in Calcutta, as throughout the whole of India, a great quantity of disagreeable insects; such as gnats, ants, flies and bugs. These last are above all the most annoying, as they introduce themselves every where, exhale a most unpleasant odour, and infect every thing they touch. But even still more formidable than these, are the white ants, or as they are called in India, *karsidi*. This terrible insect destroys every thing, devours every thing; a few hours suffice for it to effect its ravages. I was as yet perfectly unacquainted with them. The first night I passed in the fort I had placed my box carelessly by my side; the next morning I found it filled with wet earth which the ants had transported into it, and all its contents were perfectly destroyed. The only method of providing against the havoc committed by them, is that of being careful to place boxes or trunks in such a position as to have a free circulation of air beneath them. Even houses do not escape their devastation; they lodge themselves in the beams and wood-work, which they reduce to powder.

Like bees, they have a queen which they support, and which is charged with the formation of the ant hill. At first sight it has the appearance of a mass of white fat with a small black head. The mounds of earth formed by them are frequently of such a considerable size, that it is difficult to believe them to be the work of such little insects. Their most cruel enemies are the lizards and Spanish flies, which feed on them. It is said, that the most effectual method of destroying them, is to throw a small quantity of arsenic into their nests; if this process is really efficacious, it is most desirable that it should become more generally known in the country.

During my stay at Calcutta, several suttees took place; this ceremony is performed with great pomp, in the presence of the relatives of the victim. When an Indian widow has once taken the resolution to sacrifice herself on the funeral pile of her husband; and it is not always a voluntary act, nothing can prevent the accomplishment of it. I have never chosen to be present at one of these horrible spectacles, but I have been assured by eye-witnesses, that women are frequently seen to mount the pile with the greatest possible firmness and composure, after having first distributed their ornaments amongst their surrounding relatives. As soon as the victim is bound to the pile, the torch is applied to it, and these unfortunate creatures are soon suffocated by the smoke of the sulphur, and other combustible materials, which are placed for that purpose under the pile, whilst the sound of their cries is carefully drowned by the noise of drums, tom-toms, and other musical instruments. On certain occasions the Hindoos, also, burn the bodies of their

dead, but this takes place more frequently at Madras, and on the coast, than at Calcutta, where the Ganges generally receives the remains of the children of Brahma.

To these revolting spectacles, which are the result of Indian fanaticism, we have still to add those which are constantly presented to our view, by the multitude of fakirs, who, from religious zeal and ignorance, devote their whole lives to certain voluntary penances. I have seen some, who, remaining constantly in a standing position, with their fists firmly clenched, have their finger nails protruding through the opposite sides of their hands; others again, who, on seats covered with iron spikes, have condemned themselves to the perpetual contemplation of one spot. Their diseased imagination varies, *ad infinitum*, these gratuitous tortures, and disgusting mutilations.

There is at Calcutta an English bishop and a Supreme Court of Judicature.

The Governor-General lives in the style of a prince, surrounded by a numerous staff and body-guard. He never appears in public without an escort, and without receiving military honours from all the posts.

At the end of the month of October, 1800, Lord Wellesley, who at that time occupied this important situation, commanded preparations to be made for a secret expedition. A detachment of the Bengal army was ordered to hold itself ready for embarkation. The King's tenth regiment of infantry, twelve hundred men strong, then stationed at Calcutta, was ordered to join this expedition; a battalion of sepoy, volunteers in the service of the East India Company, also of twelve hundred men, a strong detachment of European and Native infantry, besides a considerable body of workmen, of attendants, and of water carriers, which forms the necessary rear guard of all Indian armies. The Natives entertain a strong repugnance to distant excursions by water; it is necessary to overcome this. The Government made an appeal to the different regiments of sepoy stationed in the vicinity of Calcutta. This appeal was heard; each corps was anxious to give a proof of its zeal, and to show itself ready to march. In a few days the whole corps was organized and the command given to Major Broughton of the Company's service.

The corps quitted the cantonment which it had occupied at about fourteen miles from Calcutta, on the 20th of November, and repaired to Fort William, where they found a division of transports awaiting them. The sepoy had provided their own provisions, but one difficulty occurred to them—they are only permitted, by the precepts of their religion, to prepare their food on dry land. For a long time no expedient could be devised to overcome this obstacle, but it was at length determined to transport, on board the

vessels, a number of sacks filled with earth, on which they might erect their stoves.

The 10th of the line, the artillery, the ammunition, the workmen, and attendants, were conveyed in large decked boats to the transports, which could only receive them at the mouth of the river. We gained the open sea on the 26th of November. The transports were not ready for our reception, which compelled us to remain some days longer on board the boats. The situation was confined and unpleasant, but the various scenes which struck our eyes, and the different emotions to which they gave birth, amply repaid us for the delay. Islands, picturesquely grouped, offered themselves to our view, covered with the most luxuriant vegetation; immense forests displayed, in the distance, their sombre covering of verdure; we heard the howling of the tigers, we saw the deer and stags playfully bounding along the edge of the river, crocodiles reposing on the sand; at the same moment, in fact, every thing which nature presents the most beautiful and pleasing, and the most calculated to inspire fear. We at length set sail, but the river was intersected, and difficult of navigation; it was necessary to avoid the shallows and sand-banks, and we did not pass the island of Saugor until the 6th of December. We passed through the Straits, and shortly after fell in with the *Suffolk*, a 74, which took us under its convoy. This vessel was commanded by Captain Malcolm, who, during the memorable events which followed in 1815, was stationed as Admiral at St. Helena.

The fleet was at that time composed of a vessel of the line, the *Fury*, a gun-boat, an advice-boat, a schooner belonging to the *Suffolk*, the *Cuvesa* of 1400 tons, the *Calcutta* of 800, the *Gabriel*, the *Anna-Amelia*, the *Experiment*, the *Ganges*, the *Pearl*, the *Friendship*, and the *Eliza* of from six to 700 tons, and the *Bengal*, and the *Ruby* of 500; in all, fourteen vessels. The four first carried the 10th regiment, the artillery, the artisans, and the servants; the others had on board the ammunition, and the Sepoys.

On the 6th of December we gained the open sea, and soon after arrived, without any accident, in the Bay of Trincomalee, where we cast anchor on the evening of the 17th.

CHAPTER V.

Description of Trincomalee—Appearance of the Island of Ceylon—English Forces there—Colonel Wellesley takes command of the Expedition—The Fleet receives orders to repair to Point de Galle.

THE town of Trincomalee, on the north-west coast of Ceylon, is not itself worthy of much notice, but it is the most important station in the whole island. Its serene and commodious harbour renders its possession most desirable for the protection of the commerce, and security of the Government, of the East Indies. The entrance

to this harbour is perfectly safe and easy at all seasons ; it is so well situated that it seems as a general rendezvous for all English vessels bound to India. It is the only fort on the Coromandel coast ; but it is capable of containing all the vessels of Europe, and has the advantage of remaining open during the two monsoons. It is, besides, a serene place of refuge in case of war or stress of weather.

It is a subject of astonishment that the Dutch Government, which held Trincomalee in its possession for so long a time, should not have done any thing towards the cultivation and embellishment of the country. Its romantic beauty, and the fertility of the soil, will no doubt induce its now possessors to improve the beauties of nature by the assistance of art.

The town has a Catholic church, and its population is almost entirely of Portuguese origin. There are, however, a few Dutch amongst them, who, having established themselves there under their own Government, have not been driven away by its passing into other hands. There are also, besides these, a great number of Malabars, who profess Catholicism. I met there an old officer of M. de Suffien's squadron ; he had contracted an unfortunate marriage, which retained him in the country, where he passed a miserable life, conforming to the manners and customs of the natives. I had the happiness of being able to serve him, by ameliorating in a small degree the wretchedness of his situation.

The fort which commands Trincomalee is well situated, but it is not kept up ; built on a rock, it rises perpendicularly above the sea, and protects the exterior bay. The place is also defended by a second fort, that of Ostenburg, which is situated on a hill, at about three quarters of a league distant from the town, and which commands the entrance to the interior bay. This was built by the Portuguese, on the same spot where formerly stood an Indian pagoda. The scenery of the immediate neighbourhood of the fort is exquisitely beautiful. There are, besides these, in the various groups of little islands with which the bay is interspersed, several deserted batteries, which were constructed by Admiral Suffien during his glorious campaign in India.

The environs of Trincomalee are covered with wood and rice fields, which engender from time to time dreadful fevers, that are generally fatal to Europeans. The English have, however, cut away a great deal of this, which has considerably diminished its malignity ; and the losses of the garrison are becoming every year less numerous.

The islets with which the interior bay is filled are high, and covered with superb trees and shrubs ; they abound with game of every kind, and are peopled with monkeys ; heath-cocks, peacocks, quails, pigeons, snipes and hares are not less numerous. The interior of the island is infested by multitudes of elephants, bears, buf-

faloes, wild boars, and tigers, and a prodigious number of large lizards, called *gowanas*, which the inhabitants eat as a great delicacy. Unfortunately, too, it is overrun with serpents of an immense size, amongst which the boa-constrictor holds the first rank.

I saw at Ceylon several of these monstrous reptiles, and I am indebted to one of my friends, Mr. S. Daniell, brother to the skilful landscape painter, whose pencil has so happily delineated the most beautiful scenes of Hindoostan, for having witnessed the curious spectacle of the repast of one of these Pythons. Mr. Daniell, who had succeeded in taking alive a young boa, seventeen feet in length, and about eighteen inches in circumference, and which he kept confined in his own garden, invited me to come and see it eat.

The animal had not taken any nourishment for more than a month, when the door of its cage was opened, near which a boar of a middling size had been placed. The boa appeared at first to take very little notice of its visitor; at length, however, it began to show some signs of animation, and turning its head towards its prey, darted on it a look of vengeance, which seemed immediately to excite its terror. Shortly after this, finding himself no doubt sufficiently animated for the banquet, his first operation was to dart out his forked tongue; at the same time tossing his head in the air, then suddenly springing forward, he seized his prey by the front leg, threw it on its back, and with inconceivable rapidity wound himself around it. The unfortunate boar expired almost immediately. The boa then released it from his deadly embrace, and slowly unfolding his vast body, prepared himself for the feast. This he commenced by moistening the animal all over with his saliva; then opening an enormous mouth, which always has the appearance of a recent wound, he swallowed it almost to the middle; then making use of his own rings to assist in forcing his prey further down his throat, it gradually descended and was soon entirely swallowed,

This operation lasted nearly thirty minutes, during which it was quite wonderful to notice the extraordinary action of the muscles of the boa, which had made no use whatever of its two rows of strong and hooked teeth. Its organs had not even acquired by the introduction of the strange body an extension at all in proportion to its size.

Very soon, indeed, the tumefaction became limited to the middle part of the body, that is to the stomach, whilst the upper extremities returned to their natural dimensions. A very large cock was then presented to the reptile, which he seized and swallowed immediately; he then folded himself up and returned to his former state of torpor. His lethargy became so decided, that neither kicks, nor the blows of a stick, had power to move him; indeed he gave no signs of life but by breathing, and several days elapsed before the animal recovered from his inanimate condition.

The skin of the boa is scaly, covered on the back with round spots in circles of various colours, like the peacock of the Moluccas; the under part of the belly is whitish.

The bite of the boa is not venomous; it is the prodigious strength alone of this reptile which renders it so formidable. It sometimes attacks the tiger, and even becomes the conqueror of this terrible enemy.

There are also great quantities of crocodiles and sharks in the country, and the water abounds with delicate fish, and shells of the greatest beauty; these shells form an article of commerce which occupies a great number of the inhabitants.

Ceylon, the *Lanka* of the Indians, and the *Taprobane* of the Ancients, is separated from India by the Strait of Manar; it is about a hundred leagues long and fifty broad. The air is in general tolerably healthy on the coast, and less oppressively hot than in most of the other countries of Hindoostan; but in the interior, the immense forests cover it with dangerous exhalations, which have for a long time formed an almost insurmountable barrier to the progress of the Europeans; a stranger rarely escapes being attacked by the fever of the country, which the colonists call the *jungle-fever*. What also renders a residence in this island particularly unhealthy, is the extreme difference which exists between the temperature of the day and the night.

The soil of Ceylon is extremely fertile; it produces an abundance of rice, excellent fruits, such as cocoas, oranges, pine-apples, precious spices, such as ginger, cardamomum, pepper, cinnamon, and many medicinal drugs. There is also a great commerce in valuable woods; amongst others, ebony, satin-wood, rose-wood, and aloes. The island possesses mines of metal and precious stones; its rubies, its sapphires, its jonquilles, its topazes, its amethysts, &c., are held in great esteem. The stones called *cats-eye* or *chatoyants*, are more esteemed and finer here than any where else. There are some of them which sell even in the country for a hundred pounds sterling. These fine stones, as well as the jewellery made by the Natives, form articles of a very extensive commerce, which is principally carried on by the Moors.

The mineralogy of Ceylon affords beautiful rock-crystal, of which the inhabitants make spectacles. Some of the pieces found are so large, that one amongst others served to make a statue of Buddha, which may now be seen in the great temple of this god at Kandy.

All the inhabitants may be divided into three classes: the Cingalese, the Kandyens, and the Malabars. These last are only the descendants of a colony which emigrated about fifty years since from the peninsula of India; they have all fixed themselves on the northern coast of the island. The Cingalese inhabit the remainder

of the coast, and the Kandyens the interior of the country. The first are of a copper-colour, handsome, and well made; the women also have remarkable features. The second, on the contrary, are black, and exceedingly ill-looking. Duplicity forms the basis of their character; they are never to be depended on; whilst the Cingalese are frank and open-hearted. As for their religion, they are almost all Buddhists; there are, however, amongst the inhabitants of the coast, a great many Catholic and Protestant Christians.

The number of these last in the whole island, amounted in 1801 to three hundred and forty thousand; that of the Catholics was much greater. The rest of the population devoted to the faith of Buddha, amounts to about one million five hundred thousand souls.

The inhabitants are divided into castes, and are tenacious with regard to their privileges. The principal of these castes are the military caste, the caste of Brahmins, that of the *Vessials* and *Sudras*. The last two are again subdivided according to their professions. The women of the first two castes cover their bosoms, a distinction from which those of the others are severely interdicted.

Ceylon was taken from the Dutch in 1796. When I was there, the English were still only masters of the coast; but various intrigues amongst the *Adigars* or military chiefs of the country, greatly facilitated to them the completion of its conquest. The King of Kandy became their prisoner, and is now banished to the Isle of France. Ceylon is under the direct dominion of the English Government. It is the only country throughout India which belongs immediately to the Crown; the Company have neither interest nor authority there, in the smallest degree. The Governor, whose power is very limited, is supported by the King, as well as a numerous body of civil officers, who are charged with the different branches of the administration. At the time of my residence in the island, the military forces were composed of two European regiments, several companies of European artillery, a corps of *lascars* or sepoy artillery, a regiment of sepoys, a regiment of Madagascar negroes, about two thousand men strong; and lastly, a company of dragoons, half Europeans and half sepoys.

These troops are always commanded by a Lieutenant General, who, as Governor, unites in his own person both the civil and military administration; and by two Major-Generals, the oldest of whom is Vice-Governor, and the other resides at Trincomalee.

The sepoys all come from the Coromandel coast. The Government do not recruit among the Natives, as they generally make bad soldiers.

The Kandyens are an intelligent and industrious race. I have seen some of their works which have greatly astonished me; amongst others some arabesks on wood, made with the most brilliant

coloured varnishes, and really drawn with very great taste. The manner in which they proceed is as follows: They first take gum-lac (which is found in the island in great abundance) and beat it with a hammer on an anvil, until it attains the softness of a paste. They then add to it the colouring materials in fine powders. After mixing these together, and beating them for a considerable time, they divide it into small cakes or sticks. When they desire to use these cakes, they melt them, and, with palm leaves, apply heated gum to the drawings. This composition does not peel off, and is capable of receiving a polish, which defies the ravages of time.

If our European artificers knew how to use this varnish, it might be advantageously used for the pannels of carriages, and many other articles.

The Cingalese also fabricate paper by a process which is peculiar to themselves; it is of a very beautiful quality. I saw in the possession of Mr. George Atkinson, civil engineer to the Government of Ceylon, sheets of paper of a prodigious size, and such as I had never seen before. This paper very much resembles that made in China, so much so indeed, that it is difficult to distinguish the Chinese paper from that made in the island of Ceylon. The sheets, as far as I can remember, were from ten to twelve feet broad, and considerably longer.

Ceylon possesses treasures still unknown to the Europeans, who have only begun to explore this island since the English became entire masters of it, that is to say, since 1814: it has opened a vast field to the botanist, the mineralogist, the geologist, and indeed to all the lovers of natural history. The country is rich in rare and curious plants, and produces amongst others, the *nepenthes distillatoria* of Linnæus. In the animal kingdom, the armadilla is equally worthy of notice; it is a little animal, covered with scales, which feeds on white ants, and is perfectly harmless. Another equally curious insect, is that which is called the *animated leaf*, a species of winged grasshopper: it is thus named on account of the exact resemblance of its wings to a leaf. Its long legs do not at all assist it in jumping, as it is remarkably slow in all its movements. The *scarabæus sacer* of the Egyptians is found here in great abundance. This animal is of a dull metal colour.

The island is covered with immense and impenetrable forests, which may be considered as the natural defence of the country; they are kept up with great care by the King of Kandy. They are peopled with tigers, elephants, buffaloes, wild boars, and reptiles: it also serves as a retreat and secure asylum for deer, peacocks, pigeons, and an innumerable variety of birds of the most beautiful plumage.

Some of the natives possess the art of charming serpents, in which they succeed perfectly by the assistance of a musical instru-

ment, by no means dissimilar to our bagpipe. I was at first very incredulous as to what was related to me concerning these serpent-charmers. The following anecdote, however, really occurred to myself. It was during my stay at Arippe; towards the middle of the day, I had retired to my hut, when I perceived a *cobra de capello* near me: I made a slight noise, upon which it immediately hid itself. I beat the foliage which surrounded my hut, in the hope of chasing it from its hiding-place, but without success. I was anxious to enter, but felt by no means pleased at the prospect of such a companion. In the midst of this perplexity, I suddenly remembered the boasted skill of these charmers, and curious to be myself a witness of their address, I lost no time in sending for one. The man came, examined the spot, and was not long in discovering the serpent, which had rolled itself up amongst the leaves. He requested me to retire a few paces, then suddenly darting on the reptile, seized it by the tail, and throwing it on the ground, commenced playing on his bagpipe. The serpent gradually began to show signs of the greatest pleasure, and, by degrees, appeared to be perfectly intoxicated by the force of the charm; it folded and unfolded its extraordinary body, and lastly, quietly and slowly entered a basket which was presented to it by the juggler. I imagined that I might have been the dupe of some cheat, which had escaped my notice; the Indian perceived my suspicion and immediately restored the reptile to its liberty, at the same time presenting it with a chicken which he had brought with him. The prey was attacked and destroyed in a trice,—ten seconds certainly did but elapse between its seizure and total destruction. Never was vengeance more prompt or terrible. The juggler, delighted at the astonishment which I evinced, was determined to excite it to the greatest possible degree by giving me another proof of his wonderful skill; he enticed the serpent to him, and offered it a bit of red cloth; then forcibly pressing down its head, as soon as he had seized it, suddenly drew away the cloth, and with it the whole of the *cobra's* teeth. He then began playing on his bagpipe as before, intoxicated the serpent, made it dance with delight, return to its basket, and then carried it off with him in triumph.

The costume of the chiefs on the coast of Ceylon, partakes of the ancient Cingalese mode, and of the European fashions introduced by the Portuguese, the first Europeans who made themselves masters of the island.

The great mark of distinction among the inhabitants, is the parasol, which the domestic carries behind his master, to shield him from the piercing rays of the sun. This parasol is made from a leaf very much resembling a fan in shape, which grows on a species of palm-tree peculiar to the island of Ceylon. This tree is the *corypha umbraculifera* of Linnæus; its stem is excessively tall, and remarkably straight; it is sufficiently strong to resist the most

violent gusts of wind. This tree is perfectly bare of leaves, except at its extreme summit; they are round, of an enormous diameter, and capable of sheltering ten or twelve persons; on being dried they become yellow and hard, but always retain their flexibility. It produces a flower, which only appears once, and not until the tree has attained a great age. This flower is yellow; it exhales an extremely powerful odour, and affords a grain, which is, however, perfectly useless, except for the reproduction of its species; it is of a pyramidal form, and its branches diminish in length as they approach the top. There is one of these trees in flower at a short distance from the place of my encampment.

The leaf of another palm-tree, the *palmyra*, is used as paper. The inhabitants of India write on it with a bodkin, and run over the characters they have traced with black oil, which renders them as legible as they are indelible. These leaves, sewn together, form little books, from which the oil, which is expressly made very odorous, keeps away all kinds of insects.

The priests of Buddha are chosen from amongst the higher classes; they are brought up in the two temples at Kandy, which serve them as colleges; they take their degrees there, and their noviciate lasts six years. Their dress consists of a yellow robe. These priests are bound to celibacy, but they may at any time quit the priesthood and marry; and in order to do this, as Knox says, they have only to throw off their yellow habit, consign it to the river, wash their heads and bodies, and from that moment they again become like other men. They then let their hair and eyebrows grow, which as priests they are not permitted to wear. The ministers of Buddha seek solitude, and inhabit only the most retired places; they have their motives for this: less restrained by public opinion, they give themselves up with more security to an unlimited degree of licentiousness.

Their temples are richly endowed, particularly those of Saffragam, and Adam's Peak, to which the Natives make frequent pilgrimages. This mountain is situated at about twenty leagues from Colombo; it is of a conical form, and is distinctly seen at the distance of thirty leagues at sea. It is the most elevated point in the whole island. Two smaller peaks appear to issue from this rock, and when at a great distance the three points seem to blend in one. There are several points of view from which, considering Adam's Peak as detached from the smaller rocks which surround it, it appears ready to dart forward into the air. The summit of the principal peak, which rises more than seven thousand feet above the level of the sea, can only be attained by the assistance of an iron chain fastened in the rock. The pagoda built there, is held in the highest veneration by the inhabitants, who believe that they recognise in it the footstep of Buddha.

The Kandyens of the province of Ouva are the only ones

amongst all these islanders who possess bravery ; they have always fought with great courage, and were the best among the troops of the former king of Kandy.

The English attacked this prince in 1802, and took possession of his capital, but the vanquished king knew his country. He permitted the new masters to remain in tranquillity, and intercepted their communication with the coast ; sickness followed, and provisions failed. The commander, overwhelmed by the miseries which the garrison endured, forgot the barbarity with which these furious enemies had so often treated the Dutch and capitulated ; but he had no sooner laid down his arms, than his troop was attacked with fury and massacred. The unfortunate commander escaped the carnage with two of his officers, who were kept in close confinement as trophies. These unfortunate men made several efforts to fly from the wretched fate which awaited them ; but they were always retaken and treated more severely than before, and at length, and after a seven years' captivity, sunk beneath the weight of their miseries.

The inhabitants of Ceylon are very superstitious, and it is an extremely remarkable fact, that at the door of all the temples of Buddha, there is a smaller pagoda dedicated to the devil. The first, a beneficent god, does harm to no one ; but the second being essentially malevolent, it is necessary to flatter and soften him by prayers. To Buddha, they offer fruits and vegetables ; to the devil, cocks and chickens. The temples of the latter are served by priests who resemble in no small degree the god of whom they are the ministers ; stern, capricious, and exacting, they will not suffer the most trifling offering to be made to Buddha without receiving their share of it ; they, moreover, pique themselves greatly on their knowledge of the future, and readily reveal it to those who consult them.

When they are applied to in cases of illness, they first begin by invoking the inferior demons, but if their demands are not granted, they have recourse to the great devil, whom they use every endeavour to render favourable to them, by offerings of dressed meats, amongst which a dish of red cocks forms an indispensable part. They convey the whole into the most savage and deserted part of some solitary forest. They collect together a number of men disguised as devils ; their legs are adorned with bells, they dance, sing, and make all sorts of grimaces, the object of all which is to induce the evil genius to come and partake of the sacrifice which is prepared for him. All these ceremonies generally take place in the presence of the sick man, whose state has induced them.

The interior of these forests is inhabited by the *Vedahs* or *Bedahs*, who are almost savages, and live by the chase, and preserve what they do not consume in the hollows of trees. The individuals of this tribe do not even construct huts, but live entirely in the open air.

One of these savages was taken during my stay at Trincomalee; his only arms were a bow and arrows, his complexion was blacker than that of the other inhabitants generally. The Governor having caused him to be set free, he fled immediately, and gained the forests with the rapidity of a stag.

Elephants are very numerous at Ceylon, and are extremely destructive; and it often becomes necessary, in order to chase them away, to light large fires, without which the sown fields would be overrun by them and the harvest by that means entirely lost; one night often suffices for them to destroy a whole district. I have seen them traversing the woods in troops of fifteen or twenty; they are not then dangerous, but when alone they become furious. The Government is often obliged to take active measures for the destruction of these animals. A very curious insect, and one which is peculiar to these vast forests, is a spider, which is called by the English the *bird-catcher*. The body of this spider is about the size of a six-franc piece, without including the head, of which the dimension is almost equal to that of the whole body; its legs are shaggy and very strong, and the two front ones are armed with claws, like those of a crab. Its colour is grey, spotted with white; its bite, when not mortal, makes people insensible. I was one day reclining in my tent, when I suddenly perceived one of these horrible animals near me; I started up, armed myself with a plate, seized the insect, and put it in a jug of water, carefully securing it at the top. I kept it in this state for six weeks; the animal lived, but diminished considerably in size.

Our stay at Trincomalee had been already prolonged for some weeks, when at length, in the month of January, Colonel Wellesley arrived at Madras, and took the command of our expedition. There were certainly other officers who had higher claims to this mark of confidence; but the Colonel was brother to the Governor-General, and had been appointed by him to the command.

We had always believed ourselves destined to serve against Batavia, and hourly expected the arrival of Admiral Renier and his fleet, who, we understood, was to operate conjointly with us; but this fleet did not arrive, and we only received a small reinforcement from Madras. We got under sail, therefore, on the 6th of February, and cast anchor in the exterior bay.

This bay is only secure in the fine season, that is to say, from April to December; we therefore made all possible haste to quit it, and, profiting by a favourable wind, to set sail; we anchored the following evening in the bay of Point de Galle,

BISHOP HEBER TO HIS WIFE.

[The following beautiful lines, written by the late Bishop Heber, were addressed to his wife whilst he was making an Episcopal visit to his immense diocese in the East Indies. To our minds, this little piece is inferior to none of the Bishop's works, not even to his *Palestine*.]

If thou wert by my side, my love !
 How fast would evening fail
 In green Bengala's palmy grove,
 Listening the nightingale !

If thou, my love ! wert by my side,
 My babies at my knee,
 How gaily would our pinnace glide
 O'er Gunga's mimic sea !

I miss thee at the dawning grey
 When, on our deck reclined,
 In careless ease my limbs I lay,
 And woo the cooler wind.

I miss thee when by Gunga's stream
 My twilight steps I guide,
 But most beneath the lamp's pale beam,
 I miss thee from my side.

I spread my books, my pencil try,
 The lingering noon to cheer,
 But miss thy kind approving eye,
 Thy meek attentive ear.

But when of morn and eve the star
 Beholds me on my knee,
 I feel, though thou art distant far,
 Thy prayers ascend for me.

Then on ! then on ! where duty leads,
 My course be onward still,
 O'er broad Hindostan's sultry meads,
 O'er bleak Almorah's hill.

That course, nor Delhi's kingly gates,
 Nor wild Malwah detain,
 For sweet the bliss us both awaits,
 By yonder western main.

Thy towers, Bombay, gleam bright they say,
 Across the dark blue sea,
 But ne'er were hearts so light and gay
 As then shall meet in thee !

Cheltenham Chronicle.

DOCTRINE OF SUMMARY COMMITMENT FOR CONSTRUCTIVE CONTENTS OF PARLIAMENT, AND OF COURTS OF JUSTICE.

No. V.

IN 1810, (February 1,) Mr. Yorke gave notice that when the inquiry into the expedition to the Scheldt should be gone into, he would enforce the standing order for excluding strangers from the House, which he accordingly carried into effect on the next day. This occasioned a motion from Mr. Sheridan, for a committee of privileges to take the standing order into consideration, his purpose in which he affirmed to be, not to rescind the order, but to have it ascertained whether any or what modification of it was necessary. In the debate which ensued, Mr. Wyndham said: 'What was the value to their constituents of knowing what was passing in that House? Supposing they should never know, it was only the difference between a representative government and a democracy. Till within the last twenty or thirty years, it was not only not practised as now, but it was not permitted to publish the debates of that House. Were it (the admission of strangers) a privilege, we should come into a state of democracy,—a state like that of Athens.' He did not wish to establish such a power in the press as to contest Parliament. He also accused the conductors of the press, generally, of venality and corruption.

Mr. Sheridan's motion was negatived by a majority of 166 to 80. There was at this time a debating society, under the name of the *British Forum*, the president of which was John Gale Jones; and on the 19th of February the following advertisement was posted on the walls:

'Wyndham and Yorke.—British Forum, 33, Bedford-street, Covent-Garden, Monday, February 19, 1810.—Question: "Which was the greatest outrage upon the public feeling, Mr. Yorke's enforcement of the standing order, to exclude strangers from the House of Commons, or Mr. Wyndham's recent attack upon the liberty of the Press?"'

'Last Monday, after an interesting discussion, it was unanimously decided, that the enforcement of the standing order, by shutting out strangers from the gallery of the House of Commons, ought to be censured as an insidious and ill-timed attack upon the liberty of the press, as tending to aggravate the discontents of the people, and to render their representatives objects of jealous suspicion.'

Mr. Yorke took the lead in resenting this 'gross violation of the privileges of the House;' and on his motion, which passed unanimously, February 21, Jones was committed to Newgate.

March 12.—Sir Francis Burdett grounded a motion for the discharge of Jones, on a train of argument denying the right of the

House to imprison for libel, which was negatived by a majority of 153 to 14. This argument Sir Francis inserted in Cobbett's 'Political Register' of the 24th of March, preceded by a letter from himself to his constituents. This publication was brought before the House by Mr. (now Sir Thomas) Lethbridge, and, after long debates, on the 28th of March and 5th of April, Sir Francis was committed to the Tower. The votes were upon Mr. Lethbridge's motion affirming the breach of privilege.

For Lord Folkestone's amendment (to proceed to the order of the day), 80 ; against it, 271 ; majority, 191.

Upon the motion of Sir Robert Salisbury, that Sir Francis Burdett should be committed to the Tower; for Mr. Adam's amendment (that the Baronet should be reprimanded in his place), 152 ; for the original motion, 189 ; majority, 37.

The Speaker signed the warrants of commitment, and delivered them to the Serjeant-at-arms, April 6 ; but owing to doubts respecting the legality of forcing an entrance into Sir Francis's house, he was not arrested till the 9th, when he was conveyed to the Tower, attended by an escort of police-officers, and a detachment of cavalry and infantry. On its return, the escort was attacked by a mob in Eastcheap, with stones and brick-bats, which they bore for some time with great patience ; but the annoyance becoming more serious, some shots were fired, by which some persons were killed, and many wounded. On two preceding evenings the mob assembled round the house of Sir Francis, in Piccadilly, and committed many outrages in that and the adjoining streets, which rendered the aid of the military necessary to disperse them.

A letter sent by Sir Francis to the Speaker, after his receipt of the warrant, became a topic of debate on April 10th, with regard to the manner in which it should be treated ; but a resolution was at length unanimously passed, ' That it is the opinion of this House, that the said letter is a high and flagrant breach of the privilege of the House ; but it appearing from the report of the Serjeant-at-arms, that the warrant of the Speaker for the commitment of Sir Francis Burdett to the Tower had been executed, this House will not at this time proceed further on the said letter.' Sir Francis incurred a great and most useless expense in bringing actions at law against Mr. Abbot, the Speaker, for issuing his warrant, against Mr. Colman, the Serjeant-at-Arms, for executing it, and against Lord Moira, the Constable of the Tower, for keeping him in custody. The wonder is how any lawyers could lead him to suppose there was the slightest hope of success in arguing points which had been so often decided, and in maintaining pretensions against which there was so full a stream of precedents.

In the debates that took place on the above proceedings, by far the most interesting speeches were those of Sir Samuel Romilly.

On the first day's debate, he advanced principles which struck at the root of the pretensions of the Houses of Parliament to imprison for libel. On the second day he directly denied the moral and constitutional right of the House of Commons to exercise such a jurisdiction; and in maintaining those sound and incontrovertible opinions, he stood *alone* among his professional brethren! March 28, he said: 'Though we may be obliged to sit here as judges on the present occasion, let us not forget that we are judges in our own cause. In such a situation it is more peculiarly necessary for us to see that nothing personal, nothing vindictive, nothing of prejudice or passion, be allowed to mingle itself with our deliberations. Instead of anxiously catching at every supposed or apparent violation of our privileges, it would better become our character as a House of Commons, to protect them with temper and moderation, and without overstepping the liberal and substantial rules of justice.'

It would have been more consistent with Sir Samuel's real views, as they were afterwards developed, to have said at once, 'It is necessary that judges should allow nothing personal, nothing vindictive, nothing of prejudice or passion to mingle itself with their deliberations. But it is impossible, and the impossibility is recognised in the fundamental constitution and whole frame of our judicial policy, civil and criminal, that judges in *their own cause* can attain to such a degree of equanimity, impartiality and purity. Therefore it would be in the highest degree unjust and unconstitutional that *we* should ever presume to make ourselves judges in our own cause.' He also said, 'If I am compelled to come to a vote on the question this night, I must, on every principle of law and justice as recognised by the courts in which I have been educated, say, that the publication in question is *not* a libel; because so long as there exists any doubt in my mind, I must of necessity incline to the side of innocence.'

In the adjourned debate, April 5, Sir Samuel said: 'Upon the original question,—namely, the power of this House to commit for libels reflecting upon its proceedings,—I will candidly state the doubts which I entertain of the legality of its exercise. Perhaps it may be a more appropriate expression to say, that I doubt of its justifiableness,—the term illegal not being properly applicable to a body, which is not under the control of any superior jurisdiction. Whatever, therefore, are its acts—in whatever way it may interpret its privileges,—even though it proceed in error, that error can alone be remedied in this House. The very extent of such a power should, of itself, advise the most scrupulous forbearance in carrying into practice privileges not only unnecessary, but dependent upon very dubious grounds for support. With respect to the right of committing for a libel, therefore, it would ill become me, knowing that the House has so lately decided differently, to give my opinion without some diffidence. Had not that case been so prominently

before me, I would not limit my expressions to the term doubt, but should at once say, that I consider the commitment for a libel reflecting upon the past proceedings of this House, to be unjustifiable. Entertaining these opinions, and recollecting that there is at present a person suffering under the exercise of this disputed right, I think it my duty to review the merits of that individual's case.

'The warrant under which Mr. Jones was committed, sets forth two offences: first, a scandalous and libellous attack upon the conduct and character of this House; and, secondly, a similar offence against the character and conduct of some particular Members. With respect to the first head of offence, although I have looked with the most inquisitive attention into the publication for which Mr. Jones was committed, I must contend, that there is not a single expression in that paper reflecting upon the conduct and character of this House.

'Indeed, from every view which I have taken of the question, I cannot restrict myself to saying, that I merely doubt; but must avow that I entertain very strong doubts of the power of this House to commit for libels affecting its past proceedings. At the same time, I fully admit, that such a right is possessed by it, in order to punish all breaches of privilege which go to obstruct any of its Members in the performance of their many sacred and important duties. But such obstructions must not operate in an indirect way, they must at once tend to produce that with which they are charged. There are numerous cases where the authority of the House would be altogether debarred, unless it had the power to prevent these direct impediments to the exercise of its duties. Such are the refusals of witnesses to attend, or to answer interrogatories; such are all attempts to intimidate Members in the votes they shall give. Unless the House had, in such cases, the power of proceeding by the summary way of commitment, there would be an end of its functions—there could be no unbiassed decision by its Members.

'But the power of commitment for censuring is far different in its nature and consequences. It is in contradiction to the most sacred and important principles of positive law. It confounds in the same tribunal the discordant characters of party, accuser, and judge. It deprives the accused of that which every legal jurisdiction secures to him,—the power of being heard in his own defence! It goes to decide upon the conduct of the accused in his absence, and without suffering him to state his own construction of the obnoxious publication! And what, in the mean time, is the conduct of his judges? They are, in all probability, engaged in putting some aggravated interpretation upon his meaning! He who must best know what was intended, is refused to be heard, while those, who are ignorant alike of his motives and his meaning, are allowed to substitute their own strained, and perhaps partial, construction. Is there, I will ask, one Judge in the Courts

below who would deny to any individual thus situated, the right of being heard in his own defence; or, in the denial of such a right, would venture to adopt his own arbitrary construction of the conduct of the accused? Let the House pause, and reflect upon the course it is now pursuing! Let it recollect, that it is proceeding against the Hon. Baronet, without having examined a single witness,—without the power of examining upon oath, as judges of the law and of the fact, and without that power of appeal being allowed, which the accused in all the ordinary Courts of Justice possess.

In reverting, however, to the question more immediately before the House,—namely, to the paper complained of,—I am bound to declare, that I think its author right in his main proposition; and holding that opinion, however intemperate he may possibly have been in some of his expressions, I cannot agree that he is at all deserving of censure. There are, indeed, some passages in the Publication, which I do not well understand, but I cannot go the length of a noble Lord (Binning) in believing that they must therefore mean evil. The warmth which runs through the paper is no proof of its being written in contempt of the House. On the contrary, I conceive, that a certain vehemence in the expression of an opinion is rather a proof of its sincerity, and of the importance which its author attaches to it. The Hon. Baronet believes that an injustice has been committed by the imprisonment of a British subject. Can it be expected that he should speak of such an act with perfect calmness and unconcern? Is this the general practice of mankind on such occasions? There is a case which, if it had been that of an individual, might be cited in way of *argumentum ad hominem*. In the case of the Aylesbury Election, the House of Commons held much more violent language against the House of Lords than what is now complained of, in the publication of the Hon. Baronet.

April 16.—When Mr. Gale Jones had been nearly two months in prison, Sir Samuel Romilly urged the House to forego the barbarous custom of requiring a petition from their prisoners, acknowledging the justice of their punishment, and expressing contrition for the offence; and moved, that John Gale Jones be brought to the bar to-morrow, and then discharged. He said:

‘No one will affect to say, that the publication for which Mr. Jones was originally committed does not constitute an offence of greater magnitude, than his subsequent neglect to comply with a formality of the House; and yet, whilst a confinement of three weeks is deemed sufficient for the former, nothing less than imprisonment until the end of the Session is to be considered as an atonement for the latter! And for what is he to undergo this long privation of liberty? For an adherence to what he deems the truth. For myself I can truly say, that was I in the situation

of Mr. Jones, I would suffer any extremity,—highly as I prize it, I would sacrifice even my liberty, rather than consent to purchase it by a pitiful recantation of my real sentiments. Allowing that Mr. Jones entertains erroneous opinions as to the extent of Parliamentary privilege,—that he has been biassed by any of those motives, which, after all, have no small influence in the decisions of the wisest among men,—an undue respect for the authority of others,—a long habit of cherishing particular feelings, or of beholding certain objects in a dim and contracted point of view; allowing that he has misused the lights given him,—that he has misunderstood precedents, or mistaken principles,—is there no provision against his error?—is there no remedy in the State-herbal for his malady, but indefinite imprisonment? Is this punishment to be inflicted for difference of opinion, and for not acknowledging as *true*, what, in his conscience, perhaps, he believes to be *false*? And finally, is the sufferer to be released, not by the justice or humanity of this House, but by its want of power?

‘Such is the mode of proceeding which many would counsel us to pursue. For my own part, I am at a loss to discover either its object or advantage. What is the credit, what is the honour which can possibly result to this House from its triumph over Mr. Jones?—from the exacted homage or further punishment of an humble individual, who obtains his livelihood by presiding at a debating society?’

The motion was opposed by Mr. Perceval, Mr. Ryder, Mr. Banks, Mr. Croker, Mr. Canning, and Mr. Wyndham, who insisted that Mr. Jones's *obstinate* adherence to his erroneous opinions should be punished as severely as the power of the House would permit. Such is ‘criminal equity!’ The motion was lost by a majority of 160 to 112.

On the motion of Mr. Giddy, (May 11,) that the Speaker and Serjeant be permitted to appear and plead to the actions brought against them by Sir Francis Burdett, Mr. Wyndham said (it was his last speech in Parliament): ‘It appears to me, however, that there is nothing absurd in the existence somewhere of a power that is not subject to control—a power which, in fact, is found in all nations, and under all governments. If such a power may exist somewhere, then I would ask, where, in the British Constitution, *can it so safely and properly reside as in the House of Commons?*’ An arbitrary uncontrollable power in the House of Commons! Can the House of Commons imprison for ten months? Can it fine ten shillings? Did it dare to attempt against the lawyers who pleaded for Sir F. Burdett, the enormities which it practised in the case of Sir John Fagg, and of the Aylesbury men?

In 1819, the High Court of Justiciary found Gilbert M’Leod, editor and printer of a Glasgow newspaper, called ‘The Spirit of the Union,’ guilty of ‘a gross indignity offered to this High Court

in his commentary on the proceedings which took place before this Court at passing sentence of fugitation against Kinloch of Kinloch,' and sentenced him to four months' imprisonment in the jail of Glasgow. For a remark on the proceedings at the subsequent trial of this M'Leod, in February 1820, Mr. Watson, editor of 'The Edinburgh Correspondent,' was admonished and fined 5*l.*; and Alexander Murray, a compositor in his office, who had written the article complained of, was imprisoned one month. On this occasion, Lord Pitmilley 'rejoiced in the advantage which this country possessed over our sister country. There we may every day see the newspapers filled with accounts of examinations and other preliminary proceedings. This cannot, at least ought not, to take place here. It should be thoroughly understood that nothing can be published respecting any *pending* trial; and that this Court will punish any person whatsoever who shall publish any account or statement of supposed crimes or intended charges, for both Judges and Jury ought to come into Court with their minds free and uncontaminated, knowing nothing but what appears from the evidence taken in their presence. The law of Scotland accordingly was so tender of any thing like pre-occupation, that all precognitions and examinations previous to trial were taken with that *privacy* which could not be injurious to the parties, or produce any prepossession.' Now, when we reflect on the vast and indefinite powers of a Lord Advocate, as exhibited in the case of Borthwick, brought before the House of Commons in June 25, 1822; that a trial is considered to be 'pending' from the first commitment to the conviction, or discharge without trial, or after acquittal of the accused person; and that the evidence given by a witness on precognition, cannot be contrasted with that which he gives on the trial for the purpose of detecting prevarication or perjury, we shall the better understand the grounds of Lord Pitmilley's rejoicing, and the merits of Scotch compared with English judicature and practical freedom of the press.

THE MISSIONER.

As pressing onward through life's chequered scene,
 I mark with anxious eye the forms around—
 Flowers of the earth that swiftly strew the ground
 Whence late they sprung,—the shade of what hath been
 Moves darkly by me, and, with finger lean,
 Points to the coming hours, while the low sound
 Of distant sorrows from life's closing bound
 Pierces the air. On my sure faith I lean,
 Trusting that it is other than I see;
 That human weakness judgeth not aright,
 And what to us seems chance and destiny,
 In the omniscient scheme is order bright.
 Oh, rather question man's vain erring sense
 Than his Creator's wise benevolence!

RECENT TRAVELS IN THE CYRENAICA.*

INFLUENCED by a strong passion for travelling, M. Pachó had already made several journeys through Egypt, when, on a sudden, the thought of the unsuccessful researches in that quarter of Africa, where the unfortunate Cyrene lay overthrown, and almost annihilated, led him to conceive the project of penetrating into the Libyan Pentapolis, without suffering himself to be intimidated either by the difficulties which he had already encountered in 1820, with the expedition of General Minutoli, or by the accounts which were given of the character of the inhabitants of Libya.

M. Pachó left Alexandria on the 3d of November, 1824, confining himself to the costume which he had already worn in the desert, and availing himself of the knowledge which he had acquired of the manners and language of its inhabitants. M. Pachó took with him a young European, M. Muller, with whom he had before travelled, two guides to point out the bearing of the sea-coast, the wells, and the monuments, and some few servants; in all, they amounted to nine persons. Twelve camels and four dromedaries completed their caravan, which had to cross, not only hot and almost scorching deserts, but also territories occupied by individuals of a disposition more or less hostile. In fact, these deserts are overrun by miserable fakirs, united under the vain pretext of a pilgrimage to Mecca, by means of which they obtain food and shelter in the tents of the religious Musulmans. Marching without order, they accost all those whom they meet, despoil them, and often even wound them with the knives with which they are provided, and which they keep concealed under their garments.

In the same degree as the Welled Ali, who compose the first Arab tribe which is met after leaving Egypt, are simple, mild and pacific, so are the other tribes who adjoin them on the west, those of the Harabi, intolerant. The Harabis occupy Cyrenaica, and all that part of Marmorica which extends to the west of Catabathmus Magnus, and the Akabah El-Kebir-el-Solum. It was at the extreme of their territory, that all the plans of General Minutoli failed; they thought him to be a spy of the Pasha of Egypt, or a Christian, unworthy of their favour. It is easy to suppose that the anxiety of M. Pachó, on his arrival among these people, must have been great. But after a great many conferences, the simplicity of his costume, his being alone, his confidence and his firmness, obtained from these ferocious men that which an escort and grand

* Narrative of Travels in Marmorica, Cyrenaica, and the Oases of Audjelah and of Morahdeh, accompanied with geographical and topographical maps and plates, representing the monuments of these countries; by M. J. R. Pachó.—*From the French Globe.*

titles was not able to obtain. He traversed l'Akabah, and explored, not without frequent danger, all the Lybian Pentapolis. He was able to lay down a detailed map, and drew a topographical plan of Cyrene and its environs, taking drawings of the monuments, and copying inscriptions found on them.

This successful traveller has collected sufficient materials to form two quarto volumes, and to publish one hundred engraved plates, which have all a genuine interest, whether with regard to art, to history, or to the natural sciences.

A scrupulous observer, M. Pacho seems to have executed his task with the most perfect fidelity. If we suffer a regret to escape us, it is to see that an accident has deprived him of the only barometer which he had in his possession, and that consequently he was only enabled to calculate by estimations, for which his knowledge in botany afforded him great assistance, all the elevated tracks which he met with, especially those to the west of Catabathmus Magnus.

In this first part of his relation, which M. Pacho is about to publish, he gives an introduction to the history of Cyrenaica, and a complete description of Marmorica.

The historical introduction is full of interest, and announces numerous researches which we shall endeavour to make known. With regard to the plates, six of them give a description of Marmorica, and the other four relate to Cyrenaica.

It is known that all that side of Africa which faces the Mediterranean, was for a long time ranked under two denominations: whilst Carthage reigned over a space of more than a thousand leagues, from the columns of Hercules to the great Syrtis, the small state of Cyrene belonged to Egypt, a kingdom which the ancients placed, not in Africa but in Asia.

'This region,' says M. Pacho, 'comprehended between the mountains of the Atlantic and the valley of the Nile, forms an immense dry plain, a horrible abode, which will remain unknown to men, at the same time that it is forgotten by nature, if, among the continual undulations from the naked rocks, and the sandy plains, you do not encounter small fertile villages, where the inhabitants are found upon the earth, like islanders in the middle of the sea. But if you go towards the south part, on the side where it forms a large promontory, you find, by a sort of miracle, these dreary deserts changed all at once into woody mountains, into cheerful meadows; you see fountains springing into large sheets of water from the mossy rocks, separated into rivulets among the plains, and falling in cascades among the ravines. To conclude this contrast, you see the breeze from the sea playing among the foliage of the forests, where it glides gently over the mossy flowers, which are protected by the hills covered with foliage, against the devastating winds of the desert.'

With no other limit on the north than the Mediterranean, a country, to which nature has been so prodigal in her gifts, cannot long escape the investigations of civilized people. As far back as the sixth century before our era, about three hundred years after the foundation of Carthage, some Grecian colonies went and established themselves there. The island of Platæa was their first abode; Cyrene, so properly called the root of towns, succeeded it, and became the cradle of a celebrated state, where the arts flourished, and which became illustrious for great men; and the five towns were soon raised, which form the Pentapolis, without counting other towns which are not of the same importance. The origin of Cyrene, its passage from a state of monarchy to a state of republicanism, its alliance with Alexandria, its submission to its successor, and its subjection to the Roman people, are general facts, known beyond all doubt; but many particular circumstances are found scattered among the writers of antiquity, and it might be possible, by collecting them, to throw some light on the interior revolutions of Pentapolis, and in particular upon those which have been caused by religion. To fill up this chasm, is a portion of the task which M. Pacho takes upon himself.

Historians attribute the colonization of this country to an oracle of Delphos. The Greek island of Thera was for some years afflicted with a drought, and its inhabitants languished in want. The oracle, informed perhaps by the expedition of the Argonauts, of the great fertility of a part of Lybia, directed one of their descendants to go to this hospitable land, and enjoy the benefits his native soil refused! Battus, the founder of the colony, gave, in his newly formed kingdom, the greatest importance to the worship of the Gods. He caused woods to be planted behind the town, which were consecrated to them. A magnificent temple was raised before the grotto of the nymph Cyrene; this temple was dedicated to Apollo; and whilst an eternal fire was kept in the interior, the waters of the fountain murmuringly traversed its sanctuary. To these religious pomps, Battus joined wise political institutions. To cement the union of his subjects, and recal to their remembrance their mother country, he established at Cyrene the Carneian feasts, which were celebrated at Sparta on the seventh day of the month *Carneus*. At this epoch the people quitted their work; they repaired to a spacious plain, under the shade of odorous trees, and there, after having implored the clemency of the gods by solemn sacrifices, they gave themselves up to joy in the public banquets, and they performed the military dances. Grateful for so many benefits, the Cyreneans, at the death of Battus, gave him heroic honours, and endeavoured by ingenious emblems to perpetuate the memory of the internal peace and the prosperity which the colony had enjoyed under his government. They consecrated to him the *sylphium*, the symbol of their riches, and they erected him a tomb

at the extremity of the market-place of the town, in order that his shadow might enjoy the daily spectacle of the assemblies of the people, and that the people might always have before them the remembrance of his virtues.'

The successors of Battus, far from following his steps, were all, Pindar tells us, impious and unfortunate; and the report of history is found to agree in this with the poet. The reign of the Battiades lasted for about 200 years. There only remain to us some very slight notices on the history of the colony after it became a republic. When Alexander, having conquered Egypt, wished to visit the oracle of Ammon, the Cyreneans sent some ambassadors to him with presents. Alexander did not despise these symptoms of respect from a free people; and envoys of Cyrene accompanied him as far as the temple. The wars which Cyrene had been engaged in with Carthage with respect to the limits of the two countries, and which was terminated and illustrated by the patriotic devotion of two brothers Philœnes, again brought to our notice its political existence. But still later we see it weakened by the dissensions of its citizens, falling under the yoke of Ptolemy, at one time united to the Egyptian empire, at another given as a portion to some prince of the royal family. Apion finding himself without heirs, and not being willing that his kingdom should again fall under the dominion of the Egyptians, leagued himself to the Roman people about the year 96 of our era. Thus attached to the fortune of Rome, Cyrene followed its destinies.

Before we come to its fall with that empire, and in consequence under the power of a barbarous people, we must penetrate into its interior organization, and find out the causes of its continual dissensions. One may ask what common league united the different towns of Pentapolis, and to what degree the African civilization has been raised. It appears that, in spite of the difference of their origin, the intercourse between Carthage and Cyrene was so close, that whatever knowledge was attained by the one, was reflected upon the other, which has left nothing but its great remembrance.

Unfortunately, if history is barren, the ruins which remain are also so; and the voyage of M. Pacho has shown us that almost nothing exists of Cyrene properly so called, nor of the Cyrene which was submitted to the Ptolemies; most of the ruins and inscriptions of which he has taken a copy, belong to the time of the Romans. At least we may know the commercial relations which procured for Cyrene that opulence and luxury of which the writers of antiquity speak. But history is also mute on this point; it is always more occupied in quarrels among the people, than in their commerce and industry. M. Pacho has nothing to offer us, but some very plausible conjectures.

'It would be,' says he, 'very interesting to know the relation which the Cyreneans still held with the mother country; a poet

tells us that they always sent to it annual gifts to offer it their first fruits. Must not the analogy of position and reciprocal interests have occasioned a connection between the Cyreneans and other Dorians, isolated like them on foreign lands? History ought to have, above all, given us some notions on the commerce of Cyrene, in the interior of Ethiopia. The Oasis of Ammon, that colony of merchant-priests, established in the middle of the deserts, presented a place of traffic so advantageous for its commerce. Its relation with Pentapolis is not in the least doubted; the columns raised in honour of the theoretical Cyreneans, and other historical traditions, are undeniable proofs. Could Cyrene be bounded by this bulwark of interior Lybia? Less industrious than Carthage, could it not cause its caravans to penetrate into the most remote regions? If the Nasamons served the interests of its rival, could not the Asbytes and the Auchises offer the same succours? It is certain, that the maritime commerce of Cyrene was very considerable; it was maintained by other causes equally powerful. The great fertility of the soil, and its happy disposition, caused the crops to succeed during eight months of the year; and the precious plants which were peculiar to it, or which were shed in great profusion, singularly increased their produce. The country of Cyrene was divided into three parts, equally fruitful. The harvest and vintage time has no sooner ceased on the border of the sea, than it passes to the hills, where the fruits are found in full maturity; and from thence, it passes to the summit of the mountains, where nature presents the same advantages in its third form of fertility. Thick forests of *thuyas*, distributed on the south side of the mountains of Pentapolis, offer their odoriferous wood for the furniture of the Cyreneans; whilst the *sylphium*, the value of which equals that of silver, and which the Cesars shut up in their treasury, increases abundantly in the most uncultivated places of this happy country.

So much riches, introduced into Cyrene luxury and voluptuousness, its inhabitants ought to have aspired, like the Carthaginians, to exercise their rule at a distance; but it appears that they confined themselves to repel the wandering tribes which surrounded them, and abandon themselves to pleasures. The chariot-races, the sumptuous repasts, the melody of songs, dances and fêtes filled up the course of their existence. Cyrene was torn to pieces by factions, it was invaded by foreign armies; but the joyous cries of the Bacchantes stifled the political clamours, and they performed lascivious dances to the clanking of the chains, which weighed upon the country. Voluptuousness was established in sects by the philosophical Aristippus, who, by a singular contrast, was a disciple of Socrates. To oppose a stoical resignation to the hardships of destiny, and to sacrifice his own well-being to the public good, were only chimeras foolishly decorated with the name of virtues. To seize with eagerness the fugitive pleasures, to be occupied only for the present moment

without inquietude either with regard to the past or the future ; in one word, to concentrate all the pleasures of love in one's self, and to entwine life with roses, which ought to breathe the perfumes without touching the thorns ; such were the fundamental precepts of the *Cyrenean sect*. Some philosophers posterior to Aristippus, the Carneades and the Erastothenes, distributed through the Porticos of Cyrenaica a purer morality. But what influence could the speculation of science exercise, or the precepts of a rigid philosophy, against enervated spirits, and men greedy of pleasure ? The impulse was given, and these sages adorned their country without influencing its manners—we may say, of the *Grèce Africaine*, all has escaped us ; we see it, but we recognize it no longer. All that we can say, is, that at some former period there has been, in these deserts, a numerous population, much commerce, much activity, riches, inward discords and battles, the arts and sciences, in short the things which resembled those in Greece. Still the last traces of the tablet which M. Pacho delineates for us, those which relate to the philosophers, are void of truth.

The moral Aristippus does not deserve all the evil which is said of him ; this philosopher had the same fate as Epicurus. His works also have perished ; but according to the testimony which remains, it praises neither liberty nor servitude. The consequences of his doctrine have been worse than his intentions. That which he taught was, in fact, that system of expediency, supported by so many noble philosophers, otherwise full of exalted and humane sentiments.

This morality, it is true, did not much please Socrates, who, if we may believe Xenophon, had many discussions with him upon that subject. But we must not attribute to him, on that account, a gross sensuality—to him who prided himself on being absolute master of his senses, and who wished that reason should direct us in all our pleasures. In his old age, Aristippus, after having enjoyed his easy but independent humour from town to town, in the court of tyrants, in the republics the most democratical, came to settle in his country, and to propagate his ideas. But as to what relates to Carneades and to Erastothenes, it was, assuredly, not to the Cyreneans that they afforded their learned lessons. It was at Athens that Carneadus founded the third academy, and struggled against the Portico ; it was in the affairs of the Athenians, in an embassy to Rome, that he displayed that formidable eloquence which caused such fear to Cato. Erastothenes was the second director of the library of Alexandria, a town where his works, on the mathematics and cosmography, were, without doubt, better appreciated even than at Cyrenaica.

That which struck us above all in the last pages of the Introduction of M. Pacho, was, that the principal causes of all the misfor-

tunes which insured the complete ruin of Cyrenaica, emanated from religious quarrels.

Confounded among the numerous provinces of the Roman empire, Cyrenaica lost its original features ; its population was a mixture of the people of Lybia, of Greece, of Romans, and of Jews. These last had been sent in a colony by Ptolemy Soter, and had been considerably multiplied. It is remarkable that Rome, leagued with the Jews by ancient treaties, which she renewed at every pontificate, favoured for a long time their increase in all the provinces.

Those of Cyrenaica appear to have at first wisely enjoyed this protection, but, encouraged by their numbers, they sought to free themselves entirely from its power. The dreadful evils which they and their fellow-believers caused in Egypt and in Cyrenaica, under the reigns of Trajan and Adrian, are sufficiently well known. They committed dreadful massacres, and were themselves massacred in their turn ; and Adrian was obliged to send into Pentapolis colonies to re-people it.

Christianity had from its first ages penetrated into Cyrenaica. Still later, under Justinian, the Cross was elevated in that province above the altars of Polytheism and Judaism ; but not without resistance. Much more, if we must believe an historian, you see at this epoch, the Evangelist crossing the sands of Lybia, and Christians imposing their law even in the mysterious temple of Ammon.

Sects and heresies afterwards prevailed, or rather sprung up at the same time as Christianity itself. Cyrenaica was, perhaps, one of the provinces where they distributed themselves in great numbers. 'Among these sects,' says M. Pacho, 'was that of the Carpocratians, founded by Carpocrates, who lived at Alexandria, under the reign of Adrian. A great number of his disciples dispersed themselves in Cyrenaica ; and, strange to say, the Christian Pentapolis saw scattered throughout its fields the most extravagant manners and precepts, freer than those which the voluptuous Aristippus had formerly propagated. The austere morality of the Evangelist was changed into a monstrous code, which established in doctrines, as the sole source of peace and prosperity, the free community of women and of all sorts of property. Precepts similar to these were even consecrated by monuments, in one of which the revered name of Christ is seen by the side of those of Phot, of Saturn, of Zoroaster, of Pythagoras, of Epicurus, and of Masdaces. According to these monuments, the Carpocratians maintained themselves at Cyrenaica until the sixth article. The customs which they had adopted, caused Cobad, King of Persia, who wished to introduce them into these states, at the instigation of these same Masdaces, added by Carpocratians to the number of their prophets, to lose both his throne and his life.'

At the fifth century, every thing in the empire fell into ruins.

Genseric made himself master of Carthage, which became the seat of the power of the Vandals in Africa; and Cyrenaica, desolated by hordes of barbarians, owed its deliverance to some Huns in the service of the Romans. A bishop, a disciple of the celebrated Hypatie, and who recalled to memory the ancient philosopher, Synesius, a witness of the catastrophes which desolated that province, tells us that the hordes of Ansurian Lybians infested it to such a degree, 'that they could not find a mountain sufficiently steep, a castle sufficiently strong, which could oppose any obstacle to their devastating course. They ransacked the towns, despoiled the altars, and, in like manner, did not respect the tomb. . . . The country became a prey to flames, and the flocks perished in these vast conflagrations, or were carried away with the inhabitants, who were reduced to slavery.'

Pentapolis was after that completely ruined. Its capital no longer existed. At the seventh century followed the Musulman conquest. The wars of religion and of the Government which divided the successors of the Prophet, and caused so much blood to be spilt in Asia, resounded even in this depopulated province. At the ninth century under the Fatimites, the Christians, who had suffered until then, were expelled. Three hundred years after, the Mamelukes dethroned their Sultan, and governed Egypt and its dependencies for two centuries and a half. At length, in 1517, the Ottomans became masters of Egypt, and thirty-three years after, the African Tripoli having been conquered by Soliman II, Cyrene was joined to that town, and formed with it, a single kingdom governed by Pachas.

Such were the principal features of the civilization of the *Grèce Africaine*, and the catastrophes which destroyed it.

Delivered up to these hordes of barbarians, says M. Pacho, Cyrene lay in the mean time ignorant. The monuments of art have disappeared; witnesses and asylums of races gone by, some few tombs scattered throughout the plain, are the sole indications which tell the traveller where *the city of the throne of gold* stood in olden times. But if the works of man are overthrown, nature is always the same. The sun shines only as the mourner of that ancient city; the beneficent rain falls only upon the desert: but that sun still enamels the meadows always green; these rains fecundate those fields which are always fertile; the forests are always shady, and the groves always cheerful; the myrtles and the laurels spring up in the solitary valleys, without lovers to collect them, without heroes to receive them. That fountain, above which rose the walls of Cyrene, still spouts out with all its force, and flows in all its freshness; and its waters alone interrupt the calm of its solitudes, except that the hoarse voice of herdsmen, and the bleating of the wandering herds among the ruins, sometimes are confounded with its murmur.

In a second article we shall notice the principal observations made by M. Pacho in that part which relates to Marmorica.

THE SNOW-DROP.

FAIR little flower, thy pensive head
 Hangs drooping o'er its snowy bed,
 As if bowed down by woe :—
 Say—dost thou weep
 The wintry sleep ?—
 The winter soon will go.

Alas, poor trembling slender thing !—
 Thy nurse should be the sunny spring,
 And not the unsunned snow :
 But there's relief
 For all thy grief,
 The winter soon will go.

The forest wears no clothing now,
 There's not a bud upon the bough,
 The streamlet cannot flow ;
 Though all is drear,
 Spring-time is near,
 And winter soon will go.

And then the sun's enlivening ray
 Will chase the dreary snow away ;
 And winter being o'er,
 The birds will sing
 The song of spring—
 ' Then I shall be no more.

' I bloom upon the wintry snow,
 A lesson to the child of woe ;
 At each rude blast I shake :—
 I flourish here
 Frail man to cheer,
 I bend—but do not break.

' In me the man of many woes
 May see Hope's slender floweret blows
 Upon the dreariest spot ;—
 Misfortune's blast
 Will soon be past,
 And soon, like me, forgot.

' Remember, then, when brighter hours
 Bedeck thy path with pleasant flowers,
 And all around is gay :
 The snow-drop grew
 To solace you
 In bleak misfortune's day.

W. B.

JUDGMENTS OF THE THREE JUDGES OF THE KING'S COURT AT CALCUTTA, ON REGISTERING THE INDIA STAMP ACT.

THE repeated articles which have been published in our pages, must have already given to all those who feel an interest in the subject, a complete view of the arguments for and against the Stamp Tax, lately imposed on India. It is right, however, that the King's Judges, to whom it was submitted for registration, should also be heard; and as if they themselves desired this, they have placed on record their opinions at considerable length.

The following are the minutes of the judgments pronounced by the Judges of the Supreme Court, on the 12th of July, 1827, on the petition against the registering, in the Supreme Court, of the regulation, passed by the Vice-President in Council on the 14th of June, 1827, for levying Stamp Duties within Calcutta.

JUDGMENT OF SIR CHARLES GREY.

'This is a petition, on the part of several inhabitants of Calcutta, against the registering in this Court of a regulation, for the levying of Stamp Duties in Calcutta; which regulation, having been previously sanctioned by the Court of Directors and Board of Commissioners for the affairs of India, was passed by the Vice-President in Council, first on the 14th of December, 1826, and again on the 14th of June, 1827, and has been published and tendered for registration in the Court.

'Counsel were heard in support of this petition, on the 3d, 4th, 5th, and 6th of July, 1827.

'The regulation is founded upon the ninety-eighth, ninety-ninth, and hundredth sections of the Act of the 53d Geo. III., c. 155, entitled an Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further regulations for the Government of the said territories, and the better administration of justice within the same; and for regulating the trade, to and from the places within the limits of the said Company's Charter.

'The above mentioned sections are as follows:

'XCVIII. And whereas it is expedient that the Government should have authority to impose duties and taxes, to be levied within the town, and also duties and taxes to be paid by persons subject to the jurisdiction of the Supreme Court, be it enacted, that it shall be lawful to impose all such duties of customs, and other taxes, within the said town, and upon all persons whomsoever therein, and in respect of all property whatsoever, and upon all persons resident in any place within the authority of the

said Government, and in respect of all goods, wares, merchandizes, commodities, and property, in as full, large, and ample manner, as such Governor-General may *now** lawfully impose any duties or taxes upon any persons, or in any place, within the authority of the Government: provided always, that no imposition of *such* duty or tax, or any increase of any *such* duty or tax, within the said town, shall be valid, until the same shall have been sanctioned by the Court of Directors, with the approbation of the Board of Commissioners, in *manner** herein before prescribed, respecting duties and *taxes* of *export*, *import*, and *transit* on goods, wares, or merchandizes.

' XCIX. And be it further enacted, that it shall and may be lawful for such Governor-General in Council, and Governors in Council respectively, to make laws and regulations respecting such duties and taxes, and to impose fines, penalties, and forfeitures, for the non-payment of such duties or taxes, or for the breach of such laws or regulations, *in as full and ample manner* as such Governor-General in Council, or Governors in Council respectively, may now lawfully make any other laws or regulations, or impose any other fines, penalties, or forfeitures whatsoever; and all such laws and regulations shall be taken notice of without being specially pleaded, as well in the said Supreme Courts, and Recorder's Court, and Court of Judicature at Prince of Wales' Island respectively, as in all other Courts whatsoever, within the said British territories: and that it shall and may be lawful for all persons whomsoever, to prefer, prosecute, and maintain, in the same Supreme Courts, and Recorder's Court, and Court of Judicature at Prince of Wales' Island respectively, all manner of indictments, informations, and suits whatsoever, for enforcing such laws and regulations, or for any matter or thing whatsoever, arising out of the same; any Act, Charter, Usage, or other thing to the contrary notwithstanding.

' C. And be it further enacted, that it shall and may be lawful for the Advocate-General, or other principal law-officer of the said Company, at the several Presidencies of Fort William, Fort St. George, Bombay, and Prince of Wales' Island, to exhibit in behalf of the said Company, to the Supreme Courts of Judicature at Fort William and Madras, Recorder's Court at Bombay, and Court of Judicature at Prince of Wales' Island, as occasion shall require, against any person or persons whomsoever, subject to the jurisdiction of the several courts respectively, any information or informations, for any breach or breaches of the Revenue laws or regulations of any of the said Governments, or for any fine or fines, penalty or penalties, forfeiture or forfeitures, debt or debts, sum or sums of money, committed, incurred, or due by any such person or persons, in respect of any law regulations; and such proceedings shall be had and taken upon every such information as may lawfully be had or taken, in case of an information filed by his Majesty's Attorney-General in the Court

* By this Act, Sec. 25, *now* does not mean *heretofore*, but *hereafter*.

+ All this is almost *totidem verbis* the same phraseology as is used in the 25th section; and the words '*manner herein before prescribed*,' explain the word *ample manner*—both meaning form or mode. If *manner*, as first used, implies *degree*, it must be construed in the same way the second time of using it; and then it is nonsense '*in degree*' or '*in amount*' herein before prescribed. '*Manner*' is twice used in the 99th section also;—both may be construed as meaning mode or form, but only the first can possibly be construed as referring to *degree*.

of Exchequer in England, for any offence committed against the Revenue laws of England, or for any fine, penalty, forfeiture, debt, or sum of money due in respect thereof; so far as the circumstances of the case, and the course and practice of proceeding in the said courts respectively will admit; and all fines, penalties, forfeitures, debts, and sums of money, recovered or levied under or by virtue of any such information so to be exhibited as aforesaid, shall belong to the said United Company, and the same, or the proceeds thereof, shall be carried in their books of account to the credit of the territorial revenues of the said Company.'

'The mode of sanction and approbation which is referred to at the end of the XCVIII Section, is prescribed by the XXV. of the same Act, which is as follows :

'XXV. And be it further enacted, that no new or additional imposition of any duty or tax upon the export, import, or transit of goods, wares, or merchandize whatsoever, made or to be made by the authority of the Governor-General or Governor in Council, of any of the said Company's Presidencies or Settlements in the East Indies, or parts aforesaid, shall be valid or effectual, until the same shall have been sanctioned by the Court of Directors of the said united Company, with the approbation of the said Board of Commissioners; which sanction and approbation shall be signified to the said Governments respectively, by some public despatch from the said Court of Directors, describing each regulation for the purposes aforesaid, which shall be so sanctioned and approved, by its title at full length, and expressing, that the same is so sanctioned and approved; and all such regulations, when promulgated in the East Indies by the said Governments, shall contain express mention that the same are made with the sanction of the said Court of Directors, and with the approbation of the said Board of Commissioners for the Affairs of India; and such mention shall be taken as conclusive evidence of such sanction and approbation in all Courts of Justice.'

'1. The first question which arises out of these clauses, is this : "What was the power which, at the time of passing this Act in 1813, the Indian Governments had of imposing taxes in any places beyond the limits of Calcutta, Madras, and Bombay?'

'The East India Company, before the year 1765, acting under the authority of several Royal Charters and Acts of Parliament, had acquired portions of territory from the Native Princes of India. In that year the President and Council of Fort William in Bengal, obtained from the Mogul Emperor the office of Dewan of the provinces of Bengal, Behar, and Orissa. It is not necessary to enter into any minute consideration of that grant. It cannot now be disputed before any British tribunal, that previous to 1813, by that grant of the Emperor, by his subsequent acquiescence, and by the establishment of the existing relations between him and the British Government, the whole sovereign rights and powers over those provinces had been transferred from him. The powers had been long exercised by the British Government; no foreign interference with the revenues had been permitted; and by the same Act, upon the construction of which the present argument has arisen, the sovereignty

of the British Crown was then expressly asserted over the whole territory.

But although there can no longer be any question upon this point, it may be said, that it is not, perhaps, yet fully determined for whom, in contemplation of the English law, the Company at first took the Dewanny, and their other territorial acquisitions: whether for the King, for the British people at large, or for themselves. These questions were agitated in England, and certainly do not appear to have been ever formally determined, otherwise than by the express assertion of the sovereignty of the Crown: which, indeed, was always expressly reserved in the Royal Charters, and if it had not been so expressed, must still have been implied, wherever sovereign powers were acquired by British subjects.

But in 1767 the Parliament, without making any declaration upon any question of right, provided, by 7 Geo. III. c. 57, s. 2, that the territorial acquisitions and revenues lately obtained, should remain in the possession of the Company for a limited time: and the same possession has been continued up to this time, and extended to all new acquisitions made before July 1813, by the following acts:

9 Geo. III. c. 24, s. 2; 18 Geo. III. c. 64, s. 13; 19 Geo. III. c. 61, s. 1; 20 Geo. III. c. 56, ss. 1, 6; 21 Geo. III. c. 65, ss. 5, 8, 39; 24 Geo. III. c. 25, s. 83; 33 Geo. III. c. 52, s. 1; 53 Geo. III. c. 155, s. 1.

At the same time that the possession of the Indian territories and revenues has been thus continued in the United Company, provision has been made for the Government thereof, by several other Acts. Of these the 13th Geo. III. c. 63, s. 7, provides, that the whole civil and military Government of the Presidency of Fort William in Bengal, and also the ordering, management, and Government of all the territorial acquisitions and revenues in the Kingdoms of Bengal, Behar, and Orissa, are vested in the Governor-General and Council, in like manner as the same were before in the President and Council. By the 24th Geo. III. c. 25, s. 1, the King was empowered to appoint six Commissioners "for the better Government and security of the territorial possessions of this Kingdom in the East Indies," and by the 39th clause of the same Act it is provided, that whereas complaints have prevailed, that divers Rajahs, Zemindars, Polygars, Talookdars, and other Native landholders within the British territories in India, have been unjustly deprived of, or compelled to abandon and relinquish, their respective lands, jurisdictions, rights, and privileges; or that the tributes, rents, and services, required to be by them paid or performed for their respective possessions, to the said United Company, are become grievous and oppressive: And whereas the principles of justice, and the honour of this country, require that such complaints should be forthwith inquired into, and fully investigated, and if founded in truth, effectually redressed: be it therefore enacted, that the Court of Directors of the said United Com-

pany shall, and they are hereby accordingly required forthwith to take the said matters into their serious consideration, and to adopt, take, and pursue such methods for inquiring into the causes, foundation, and truth of the said complaints, and for obtaining a full and perfect knowledge of the same, and of all circumstances relating thereto, as the said Court of Directors shall think best adapted for that purpose; and thereupon, according to the circumstances of the respective cases of the said Rajahs, Zemindars, Polygars, Talookdars, and other Native landholders, to give orders and instructions to the several Governments and Presidencies in India, for effectually redressing, in such manner as shall be consistent with justice, and the laws and customs of the country, all injuries and wrongs which the said Rajahs, Zemindars, Polygars, Talookdars, and other Native landholders, may have sustained unjustly in the manner aforesaid, and for settling and establishing, upon principles of moderation and justice, according to the laws and constitution of India, the permanent rules by which their respective tributes, rents, and services, shall be in future rendered and paid to the said United Company, by the said Rajahs, Zemindars, Polygars, Talookdars, and other Native landholders.

‘ By the 33d Geo. III. c. 52, s. 9, the Board of Commissioners for the Affairs of India are to superintend, direct, and control, all acts, operations, and concerns, which in anywise relate to, or concern the civil or military Government or revenues of the territories and abquisitions in the East Indies; and by the 23d section of the same Act, no order of the Directors concerning the Government or revenues, after it has received the approbation of the Board of Commissioners, can be varied by the Court of Proprietors; and by section 24, the whole civil and military Government of the Presidency of Fort William, and the ordering, management, and Government of the territorial acquisitions and revenues are vested in a Governor-General and three Counsellors, subject to such regulations as are provided by Act of Parliament.

‘ By the 53 Geo. III, c. 155, s. 1, it is enacted, that the territorial acquisitions and revenues shall remain under the Government of the Company for a further term, subject to the rules laid down by Act of Parliament.

‘ It was in obedience to the above-mentioned 39th clause of the Act of the 24 Geo. III. c. 25, that those arrangements and regulations were made by the Government in this part of India, between 1789 and 1793, which are generally known by the name of “the permanent settlement:” the substance of which was that the Jumma, or assessment upon land which was then made, was fixed for ever, and that the existing landholders and their heirs and lawful successors, should be allowed to hold their estates at such assessment for ever. It scarcely can be necessary to say, that this settlement related to the land-tax, land-rent, or land-tribute alone: and did not affect the power of the Sovereign, wherever that power might be

lodged, to levy taxes on other property. Even if such had been the intention of those who made the regulations, the compact would have been void. No Government can, by any agreement or law, prevent future Governments from raising, by new laws, such revenues as are necessary for the well-being of the state; but in this instance, the settlement was expressly stated to be a Settlement of the Land Assessment only: the Sayer duties, though altered, and separated in collection, from the Land Revenue, were not permanently settled; nor was there any declaration that could prevent the imposition of new taxes on other property than land.

‘One of the grounds on which the settlement was recommended by the authorities at home was, that “an assessment below what the country could bear, was no detriment in the long run to the Government itself, because the riches of the people were the riches of the state.” The Fifth Report of the Select Committee in 1812, says, that the abolition of the tax on spirituous liquors has not been final, or under any such declaration as should preclude the Government at any future time from the option of restoring the collections in question; and Lord Cornwallis, in his minute of 3d February, 1790, says of the internal duties: “Some may be increased, and others diminished, or struck off, according as may be judged advisable; and in a course of time, as commerce and wealth increase, such regulations may be made in the duties on the internal trade, and the foreign imports and exports, as will afford a large addition to the income of the public, whenever its necessities may require it, without discouraging trade or manufactures, or imposing any additional rent on the lands.”

‘In 1797, (I believe,) a Stamp Duty was imposed in the interior, which, with various modifications, has been continued to this time, and the produce in 1821 and 1822, of the Bengal Stamp Duties, was more than fifteen lacs of current rupees. If this statement be accurate, it seems to be reasonably evident, that the Indian Governments, under the control of the Court of Directors, and the Board of Commissioners for the Affairs of India, had, in 1813, a general right and power to levy taxes in the British territories in India, restricted only by the permanent settlement of the land assessment in those parts of India in which it had taken place; by some difficulties which were opposed to the exercise of these powers in Calcutta, Madras, and Bombay; and by the common obligation of duty, which ought to prevent every Government from requiring any taxes from the subject, except such as are required for the common good of all.

‘I should not have thought it necessary to enter into this long detail, if the general power to levy taxes in the interior had not been denied by counsel: I am not quite sure that I apprehend rightly the grounds of that denial, but after taking all the pains I could to do so, I suppose them to be, first, that as the power had never been

expressly and specifically given by Act of Parliament, it still remained inherent in Parliament, and that a new tax could only be imposed by a new act; secondly, that the 25th clause of the 53d G. 3, c. 155, gave, for the first time, the power of imposing duties of export, import, and transit, and that by expressing those only, it excluded all other duties or taxes.

‘ To the first argument, I apprehend it may be answered, that the words, “ the whole Civil and Military Government, and the ordering of the revenues,” are large enough to include the power of taxation, and that this Court has no right to narrow their plain meaning; that if the legislature meant to reserve so important and so obvious a branch of Government, they would have done it by express words; that “ the possession of the revenues” has been given from twenty years to twenty years to the Company, and this would scarcely be consistent with an implied reservation to Parliament of the right of altering them in the interval; that contemporaneous usage might be resorted to for the explanation of these Acts of Parliament, if there was any doubt to be explained, and a frequent variation might be shown of the taxes in the Indian provinces by authority of the Governments; and that the supposition of the Parliament having either been ignorant of these acts of the Indian Government in altering the revenues, or of its having meant to reserve the power of taxation without expressing it, becomes quite untenable, when we see that, by another series of enactments, the 28 Geo. 3, c. 8, s. 5; 33 Geo. 3, c. 53, s. 126; 53 Geo. 3, c. 155, s. 65; 54 Geo. 3, c. 36, s. 55, all the accounts of the revenue accurately arranged and minutely subdivided, are directed to be laid annually before Parliament. As for the argument upon the 25th clause of the 53d Geo. III., c. 155, it is founded, as it seems to me, in an entirely erroneous view of the subject. That clause, so far from giving, for the first time, a power of levying particular duties, recognizes a previously existing power, by providing that no new duties shall be imposed except in a particular way; and the whole and sole object of the clause seems to have been to prevent any vexatious or capricious interference with the trade, which by the same act was, for the first time, opened between the whole United Kingdom and India.

2. ‘ The next position which was maintained was—that even if a general power of taxing the provinces be admitted, still the words in the 98th section of 53 Geo. III. c. 155, viz.—“ in as full, large, and ample a manner,” &c. have relation only to the manner of taxing, and not to the nature of the tax to be imposed; and that we may restrict the meaning of the words, “ duties of customs and other taxes,” so that they shall include only other taxes of the same kind; or (by the reference which is made to the 25th section,) only duties of export, import, and transit.

‘ Some authorities were cited for the purpose of establishing rules,

for the construction of dubious Acts of Parliament, all of which appear to me to be entirely inapplicable to this case, in which no doubt can be fairly raised as to the meaning of the words. The preamble of the 98th clause declares it to be expedient to raise "duties and taxes" in Calcutta, without stating any limitation as to the sort of duty or tax; the enacting part of the same clause does not only use the terms "duties of customs and other taxes," but adds "in respect of all good, wares, merchandizes, commodities, and property whatsoever;" and to put the matter beyond all doubt, goes on to say, "in as full, large, and ample manner as the Government may now lawfully impose any duties or taxes on any person whomsoever, or in any place whatsoever."

'The reference made at the close of the 98th section to the 25th section, has for its object to point out the mode of obtaining the sanction of the authorities at home, and not to explain the nature of the tax; and I really do not understand the argument by which it has been attempted to show, that "duties of customs and other taxes in respect of all goods, wares, merchandizes, commodities and property whatsoever," in the one section, must mean the same thing as "duties and taxes of export, import, and transit on goods, wares, and merchandizes," in the other. The two sections have perfectly distinct objects. The 25th section subjects to an additional check in particular cases, a power which had previously existed and been used; the 98th section calls into action, but subject to a similar check, a new power, which it was supposed could not, before that enactment, be legally exercised.

'3. Another objection, and one which I was surprised to hear from those who have opposed this regulation, was that, even if it be legal, this Court has no authority to register it.

'I am not sorry that this gives me an occasion for stating the grounds on which I consider, that the registration is necessary, and that without the registration of some regulation for the purpose, no such tax can be enforced in Calcutta.

'The imposition of a tax, and the law by which it is to be enforced, are things easily distinguishable from each other: as easily as the judgment from the execution in a suit at law. In the English constitution, the imposition of a tax belongs to the Commons alone, though all branches of the legislature must concur in enforcing it. To borrow words attributed to Lord Chatham; "The taxes are a voluntary gift and grant of the Commons alone. In legislation, the three States of the realm are alike concerned; but the concurrence of the peers and the crown to a tax, is only necessary to clothe it with the form of a law."

'The two matters being distinct from each other in the view of the English law, they have been kept distinct also in the act of the 53 Geo. III. c. 155. The 98th section provides for the imposition

of the tax; the 99th for the law and regulation by which it is to be enforced: the imposition is to be made by the Government, the Board of Commissioners, and Court of Directors: the regulation by the Governor-general in Council, in the same way as other regulations are made.

' In these latter words, however, there is a latent ambiguity, because the fact is, that the Government has been used to make regulations in two ways: those for the interior being completed, according to the provisions of the 33 Geo. III. c. 142, s. 8. by registry in the judicial department, and transmission to the Court of Directors, whereas the regulations for Calcutta are registered in this Court, under the 13 Geo. III. c. 63, s. 36. and are subject to appeal before the King in council. This ambiguity causes the only difficulty. But surely it could not be meant to leave it to the option of the Government to adopt either of the courses, according to its inclination, and as that inclination might vary from time to time. It seems to be a more reasonable meaning, that a tax regulation, for the town of Calcutta, is to be made in the same manner as other regulations for Calcutta are made.

' Again, the 99th section does not require, that the previous sanction of the authorities at home shall be obtained for the regulation, as the 98th requires it for the imposition of the tax; so that if registry in this Court were not required, this would be a solitary instance, in which the Governor-general in council, by his own authority alone, could make regulations affecting British persons, as a class.

' But there is a plainer ground than any of these inferences. The 13 Geo. III. c. 63, s. 36, which prescribes the mode of making regulations for the good order and civil government of the settlement at Fort William, provides, that they shall not be valid, nor of any force or effect, until the same shall be duly registered and published in the Supreme Court. It cannot be contended, that the regulation in question is not one which relates to the good order and civil government of the town; for it imposes penalties and forfeitures, permits houses to be searched, and gives to certain public officers a new authority to administer oaths, and interferes with some of the proceedings even of this Court. Then I ask, in what way has the provision in the 13 Geo. III. c. 63, s. 36. been repealed? or if it be still amongst the statutes, by what reasonable argument can it be contended, that by the 99th section it is meant, that the Court shall sustain indictments and informations for offences unknown to the criminal law, and arising only out of the infringement of an unregistered order of Council?

' The only arguments which I have heard against the necessity of registration are: first, that it must be supposed, that the sanction of the Board of Commissioners and Court of Directors was substituted for registration: but this supposition falls to the ground, if

the sanction is required, as I have pointed out, for the imposition of the tax only, and not for the regulation. Secondly, it is said, that all interference of this Court in matters of revenue is prohibited by the 21 Geo. III. c. 70, s. 8.; but the obvious answer to this is, that that clause had relation only to the then existing state of the revenue, and that it did not contemplate any revenue to be raised within Calcutta, nor upon British persons; for the raising of which no provision was made, except in specific cases, until the enacting in 1813 of the clauses which are now the main subject of our consideration: and those clauses, and the 107th of the same act, having given to this Court a new jurisdiction in matters of revenue affecting Calcutta and British persons, have left that portion of the revenue system entirely unaffected by the 21 Geo. III. c. 70. s. 8.

‘ If the regulations for enforcing taxes imposed under the authority of the 98th section of the 53 Geo. III. c. 155, must be registered in the Supreme Court, it is plain that previous to registry no information could be filed, even for the purpose of recovering the mere amount of the tax itself: because the 100th section, which gives the right to file such informations, and which is a penal clause, gives the right only in case of any breach of any law or regulation; so that a regulation must have been completed, and infringed, before the information will lie.

‘ 4. The remaining objections which were made on the part of the petitioners applied to the details of the regulation.

‘ It was objected to some of the clauses, that they gave a power to the Board of Revenue of imposing daily fines of unlimited amount upon those who should persist in their offence. But this is not so: their power of fining is limited by the amount of the first fine being fixed; and though the Commissioners may direct a smaller daily fine to be afterwards levied, they cannot impose a larger.

‘ Again, it was said, that a right of searching the houses of the Heirs, Executors, or Administrators of the Distributors of Stamps was given; but it is not the fact that a right of entering the houses is given, but of demanding a search, and imposing a fine, if it be refused: and it will be found that the regulation is, in this respect, much surpassed in severity by enactments in the English statutes, relating to the representatives of the assignees of insolvent debtors, into whose hands the property of the insolvents has come; by others, conferring the right of searching houses for the property of bankrupts; by others, empowering the Officers of Excise to break open doors to detect the illicit manufacture of excisable articles; and by the law, which would be applicable to the representatives of persons dying with Crown property in their hands, such as stamped paper, not yet paid for.

‘ Another clause which was objected to, was that one whereby the Members of the Board of Revenue are empowered to administer oaths, and it was seriously contended, that nothing less than a new Act of Parliament could confer such an authority. This Court acknowledges that the authority must be derived from Parliament, but we are of opinion, that when the power was conferred by Parliament upon the Governor-general in Council and the Court, of making and registering regulations for the good order and civil government of the town, the power was included of providing for the investigation of matters of fact, by taking evidence on oath before persons to be duly constituted under such regulations.

‘ A further objection was made against the clause by which a penalty is imposed for filing, in any Court of Justice, certain unstamped papers.

‘ I have already pointed out that this Court has no right to make a question of the expediency of any part of this tax, but only to see that it does not exceed legal bounds, and then to assist in enforcing it by due regulations. The legality of a stamp duty, on papers to be used in law proceedings, it would be difficult to deny, when it has so long subsisted in England. The method of enforcing it by fining those who file unstamped papers, is taken from an Act of the Imperial Parliament, though applicable only to Ireland; and it seems to me, to be less objectionable for Calcutta, than the mode which has been long pursued in England: namely, that of making unstamped papers inadmissible as evidence. I am not, indeed, at present aware of any less oppressive course by which the duty could be enforced here: and it would have been as well if those who have argued against these penalties had shown us some better methods, by which, with equal efficiency, we might have enforced a tax, which, if it be legal, we are bound by the most solemn obligations of duty to maintain.

‘ For my own part, though I admit that many English enactments are quite incapable of application to this country, yet I consider the laws of my country to be my best standard for general purposes, and a guide too valuable to be abandoned before another presents itself.

‘ With a reference to the whole of the objections which have been made, I admit that, according to my view of the matter, the regulation might, in some of its parts, have been amended with advantage; but I do not find any thing which is repugnant to law, nor do I think that it will, in effect, be oppressive to the inhabitants of Calcutta, considering that it must be enforced by proceedings in this Court. The decision of the Court is, therefore, that the regulation shall be registered.

‘ 5. It remains for me to say a few words upon some matters which are only incidental to this proceeding.

'An assertion has been made of the absolute right of the inhabitants of Calcutta to be heard, and heard by means of the advocates of the court, before a regulation can be registered. I am of opinion, that no such right exists. This is not a suit at law, or in equity, but a very peculiar function of the Court prescribed by statute, and more of a legislative than a judicial character; and I know of no foundation on which such a right can rest, though there is no doubt that any petitioner would have as strong a claim to be so heard, as those have who are heard at the bar of the Houses of Parliament, or before the Privy Council. It seems to be necessary to state thus much, because, if a regulation were liable to be invalidated by a refusal to hear counsel against it, we might have a thousand petitions filed, by which the registration might be retarded, *ad infinitum*: whilst the circumstances of the country might require the immediate enactment of the law. It is only, however, for the purpose of establishing the right of the Court to prescribe and control the mode of hearing these petitions, that I mention the matter at all. In all such cases, the Court must be desirous to have as much information as possible; it would be a wrong and capricious exercise of power to preclude a previous discussion of a matter which is subject to appeal; and I know of no channel, through which the Court could receive any objections against a regulation, more conveniently or more agreeably to themselves, than through the advocates of the Court.

'Another question has been made as to the extent to which the Court is called upon to enter into the merits of a regulation. I agree, in the main, with an opinion expressed upon this point, in a judgment which I have read of Sir Edward West's; namely, that the words of the statute oblige the Court to consider the expediency, as well as the legality of a regulation. But at the same time, I am satisfied that, in general, we have not the means in this country of obtaining, within any moderate time, the whole information, which would be necessary to come to a satisfactory decision as to the expediency; and that we must, in a great measure, be guided in that respect by the opinion of others, who have greater means and better opportunities. In this case, however, the question is scarcely raised, for we clearly have nothing to do with the expediency of the tax, but only of the regulation by which it is to be enforced. I am anxious to point this out, lest it should be supposed that I do express any opinion, on this occasion, as to the expediency of the tax, or its alleged inequality. I have not the requisite information; nor, if I had, should I be called upon, or entitled, to apply it here for that purpose.

'JUDGMENT OF SIR JOHN FRANKS.

'The Chief Justice of this Court, Sir Charles Grey, expressed his opinion that the counsel for the petitioners had not a right to be heard against the registration of the Stamp Regulation, proposed

to be registered and now before this Court ; but at the same time declared he was willing to hear the petitioner's counsel, because of the important subject of the petition. Having carefully considered the question of right, I agree in opinion with Sir Charles Grey, that it does not exist. Whether such a right exists or not, depends upon the 36th Section of the Statute of 1773 ; 13 Geo. III. c. 63.

‘ It enacts, that it shall be lawful for the Governor-General and Council to make and issue rules, ordinances and regulations, for the good order and civil government of the United Company's settlement at Fort William, and other factories subordinate thereto, as shall be reasonable ; such rules not being repugnant to the laws of the realm ; and to impose fines and forfeitures for the breach of such rules.

‘ But, nevertheless the same, or any of them, shall not be valid, until the same shall be registered and published in the Supreme Court, with the consent and approbation of the said Court, which registry shall not be made until the expiration of twenty days after the same shall be published, and a copy thereof affixed in some conspicuous part of the Court House, and from and immediately after such registry, the same shall be valid in law.

‘ The section then makes it lawful for any persons in India to appeal therefrom to his Majesty in Council ; so as such appeal, or notice thereof, be lodged within the space of sixty days after the registering and publishing the same.

‘ A right of appeal is given by the words of the 36th section, against the rule and regulation ; but it has not expressed any thing as to a petition to the Supreme Court against the registration. To supply the omission, to give, expressly, a right to be heard against the registration, it has been argued, that a right of appeal implies a right to be heard, and by counsel, against the registration of the rule and regulation. I do not feel the force of this argument ; because an appeal against the rule is, by this section, to be lodged within sixty days after the time of registering, but the registration becomes valid twenty days after it has been published. One person may petition (if the claim of right is founded) to be heard against the registration, and never appeal. Another may, after the registration, appeal without having petitioned. And I do not think, I ought to imply a construction that might promote an inconvenience. But I have not any doubt, that this Court, at all times, would be desirous to hear any petitioner, by his counsel, against the registration of any such rule ; it would be a mode likely to suggest legal grounds of consideration to the Court upon any subject.

‘ I come to the objections made to the registration of this regulation.

‘ The Counsel for the petitioners have made three objections to the registration of the stamp regulation in question.

' 1st. That there is not any authority of law, to impose a stamp duty in Calcutta.

' 2d. Nor any authority of law to justify the registration of such a rule, as imposes the stamp duty in question, (if admissible,) it being perfect without registration.

' 3d. That the rule offered is not proper for registration.

' The rule in question contains annexed to it a schedule of the duties to be raised ; places the conduct of them under the care of the Board of Revenue of Calcutta ; and contains several clauses that prescribe the duties to be performed by the officers to sell and distribute stamps.

' The 6th section of the 9th clause, the 15th and 16th of the 9th, the 3d of the 11th and the 15th clause ; are those to which objections have made been made.

' The clauses are objected to, because they give powers to fine ; some arbitrary, some exorbitant, and last, because they would give powers to officers of the revenue to administer oaths in that department.

' In answer to these objections to the present stamp regulation, it appears to me, that although there is a discretionary power confided to the Board of Revenue,—yet an objection ought not to prevail from that cause, because it is a power whereby they may reduce, but cannot increase, the fine to which any distributor may be liable. This will appear by reference to the 6th, 15th, and 16th clauses of the 9th section, by which that discretion has been given to the Board of Revenue.

' As to exorbitance, before it shall be pronounced that these rules admit exorbitant fines, it ought to be considered what the duty of a distributor of stamps is, with respect to the public ; and what ought to be the objects of the stamp regulation with respect to that duty.

' As a receiver, his duty is to account with the Board of Revenue upon behalf of the East India Company, and his office makes him answerable for breaches of duty ; in a moral point of view, offences against the rules, if he shall not give up sums of money he had received as distributor, or his accounts upon demand. The fines and penalties given by these sections or rules, are sanctions for the performance of both duties.

' And, in considering of them, I shall shew what has been imposed by the law as a penalty, because of a fraudulent breach of duty upon persons entrusted in offices ; independent of the statutes that give summary jurisdiction for recovering penalties given by revenue law, and shall then refer to some of those laws.

By the statute 7th Edward IV., c. 1, it is enacted,* that if any

* *Stadling v. Morgan.* Plow. 202.

receiver or accountant shall receive of any person, for the payment of any fees, annuities, pensions, or duties, more than he may lawfully receive, the person so offending shall forfeit to the party grieved 6s. 8d. for every penny or penny-worth so taken or received.

‘ The occasion of passing that statute, appears in the case referred to. It means a receiver of the King. The penalty given by that statute amounts to eighty times the amount of the sum fraudulently received.

‘ By the 55th Geo. III. c. 81, distributors of stamps are to verify their accounts upon oath ; penalty 40*l*.

‘ The fine by the 6th section (objected to) imposed upon a distributor, who refuses to permit his accounts to be inspected, is 100 rupees, to be daily increased upon daily refusal.

‘ In the one case, the distributor is liable to four times as much for a single offence as the other. Obstinate refusal in the clauses objected to, increases the daily fine.

‘ The 15th section was objected to because it gives the collector a right of search of the house after refusal ; but, upon a reference to the section, it does not give such a right ; it gives a right to the collector to demand, to make search for stores of stamps, and accounts of a deceased distributor, from the person administering his effects ; and makes the person refusing it subject to a penalty. Such a right may be prevented by compliance upon demand ; but it is not unusual to give even such powers by summary laws for recovering penalties ; thus by the act 1st Geo. IV., c. 74, section 45, an act relating to distilleries in Scotland, if an excise officer shall be refused admittance into a distillery after demand, he shall be liable to 200*l*. penalty ; and, if admittance shall not be given, it shall be lawful for the officer refused to enter upon such distillery.

‘ The last clause of the regulation has been objected to, because it gives power to collectors of revenue, and other officers vested with charge of offices for sale of stamps, to administer oaths.

‘ I conceive the Governor-General and Council have authority to give such power.

‘ By the 36th section of the statute 13 Geo. III. c. 63, they have power to make rules and regulations for the good order and government of this Presidency, and to impose fines and forfeit for breach of them.

‘ And having had such authority given to them to impose duties and taxes upon Calcutta, as by the 98th s. 53 Geo. III.

‘ By the 99th s. of that Act, they are also empowered to make rules and regulations respecting such duties and taxes. And such power authorizes them, in my judgment, to make rules to enforce payment of such duties as have been imposed by them, by authority of the British Parliament. By the 55 Geo. III., c. 81, s. 12, the Commissioners of Stamps, or one or more of them, may administer

oaths to carry that Act into effect. There are similar provisions in several statutes to enforce payment of penalties. The power to administer oaths is incident to judicial authority, or conferred by Act of Parliament. In the hearing causes in the superior Courts, or before Justices of Peace at Sessions, or taking informations, it is incident to their judicial authority. It is not incident to the office as ministerial.

' The statute 15 Geo. III. c. 39, provides thus : " Whereas, it is frequently necessary for Justices of the Peace to administer oaths when penalties are to be levied, or distresses to be made, in pursuance of Acts of Parliament, which they have no power to administer : " it then proceeds to give them power to administer oaths for that purpose.

' The authority to administer oaths given by the last section of the regulation objected to, is derived from the same source that authority to administer oaths is given to Justices of Peace in matters not judicial; that of the legislature.

' The inconvenience to the public from delay ; waiting the progress of a suit at Law or Equity, and the cost to the Distributor, might be great, if summary means were not given to call Collectors of the Revenue, in many cases, to account ; summary laws have, therefore, been found expedient in such cases.

' I come now to the proposition of the learned counsel for the petitioners ; that there is not authority, by law, to impose a Stamp Duty to be paid within Calcutta.

' The question upon this part of the present subject depends upon the construction of the statute 53 Geo. III., c. 155, s. 98. I shall not recur to the cases cited, as to the authority of Parliament, to enact the 98th and 99th sections of that statute. I find it in its enactment—It is my duty to respect the authority of a statute of the Legislature ; and when an occasion arises, as at present, to construe it according to the best of my judgment.

' Counsel for the petitioners state, that according to a rule of construction of statutes, the intention of the Legislature ought to prevail. It is a rule of construction ; but there are other rules ; one of them is, as in the case of the King v. Barchet ; *—" Such a sense is to be made, upon the whole, as that no clause, sentence, or word, shall prove void, or insignificant, if by any other construction they may be made useful and pertinent."

' Every part of the 98th section, is material to show, that the power of taxation thereby given, was intended to be a power to impose taxes upon Calcutta in as full and ample a manner as the said Governors and Council could, at the time of its enactment, impose duties and taxes to be raised and levied, or paid, upon any other person or place whatsoever.

* Show, 108,

‘ This section commences with a preamble, not connected with, or referring to, any other of the statutes ; and recites, that “ *Whereas, it is expedient that the Governments of the said Company established at Fort William, Madras, &c.,* ” “ *should have authority to impose duties and taxes to be imposed within the several towns of Calcutta and Madras, &c.,* and enacts, that it *shall be lawful for the Governor-General of Fort William, &c., to impose all such duties of Customs and other taxes, to be levied and paid within the towns of Calcutta, &c. and upon, and by, all persons whatsoever resident or being therein ; and upon, and by, all merchandizes, commodities, and property whatsoever, in any such country or place, in as full, large, and ample a manner as such Governor-General in Council (&c.) may now impose any duties or taxes to be levied or paid by any persons whatsoever, or in any place whatsoever, within the authority of said Governments.* ”

‘ It then provides, as to the approbation of the Directors and Board of Controul, of any rule that shall be made by the Governor-General and Council, pursuant to such authority.

‘ Were we to adopt the argument of the counsel for the petitioner to its extent, we should reject the general words in the preamble of this section, and all other words therein, that purport to give a power to the Governor and Council, as extensive as they could exercise elsewhere ; and we should confine the power given to the Governor-General in Council, to levy taxes, to export, import, and transit of goods, as in the 25th section of the 53 Geo. III. c. 155. And we are required by the counsel for the petitioners to confine that power, to export, import, and transit of goods ; because export, import, and transit of goods are mentioned in the 25th section ; but the 98th section has not any connection with the 25th section. The 25th section was intended so to provide for the protection of persons, who should become traders to the East Indies, by virtue of the provisions of the 53 Geo. III., c. 155, as that they should not, in the course of such trade, be chargeable with any duties likely to affect their commercial intercourse with the Company’s territory, of which they should not have public notice.

‘ By the 6th section of that statute, it was made lawful for any of his Majesty’s subjects, in common with the United Company, to export from any ports of Great Britain and Ireland, to all ports of the Company in the East Indies : subject to the several conditions and regulations prescribed by that statute.

‘ But as his Majesty’s subjects, who should avail themselves of the privilege of trade given to them by that section, might be liable to pay duties imposed within any of the Presidencies in India, of which sufficient public notice had not been given, it was provided by the 25th section of that statute, that no new or additional imposition of any duty or tax upon the export, import, or transit of goods, wares, or merchandizes, made by such authority, should be valid, until it

should have the sanction of the Court of Directors of the East India Company, with the approbation of the Board of Commissioners. The section provides for the mode of expressing that approbation to the Government in India.

‘ Duties upon export, import, and transit of goods, were those by which traders were most likely to be charged; and they are expressly mentioned in the 25th section. But the Legislature had a different object enacting the 98th section: Its object then was to give a power to impose taxes upon the town of Calcutta, and the other places mentioned in the section, as fully as the Governor-General and Council, and Governors, &c., could have done in any other place within their authority. In the 25th section, it therefore used particular words, export, import, and transit, and the 98th section gave authority, by general words, to impose taxes.

‘ The intention of the Legislature is, as the petitioner’s counsel herein stated, a rule by which statutes are to be interpreted; and, taking the words of the 98th section, the Legislature must have intended that the Governor and Council could have imposed taxes lawfully within other places within their authority, besides Calcutta, Madras, &c., mentioned in that section as the places to which the authority thereby given was to extend; and, in fact, it has been shown by the counsel against the petition, and by the Chief-Justice of this Court, that a stamp-duty was then payable within the Mofussil.

‘ The statute 54, Geo. III., c. 105, as it appears to me, furnishes some comment upon this part of the case.

‘ It recites, that doubts had arisen as to certain duties theretofore imposed by the Governors of Fort William, &c., and proceeds to enact, that all duties of customs, and others theretofore made and imposed, as well upon British subjects as foreigners, by authority of said Governments, within Calcutta, &c.

‘ And also upon all persons whomsoever, resident or being in any country or place within the authority of said Governments, and in respect of all goods, wares, and merchandizes whatsoever, and all orders relating to them, and all fines theretofore imposed for non-payment of such duties, shall be valid, as fully as if same were imposed by authority of the statute 53, Geo. III., c. 155.

‘ This statute shows further, that at the time the act of 1753 was passed, there were various duties and taxes payable in the Mofussil.

‘ The statute does not recite or state the causes of doubt as to these duties and taxes; the duty might have been legal, yet not imposed with due forms; but that statute has made such as had been levied valid, as if imposed by authority of 53 Geo. III., and a stamp tax was, in fact, amongst the taxes in force at that time without those towns.

‘ I come now to the third head.

‘ The petitioner’s counsel argue that the regulation in question does not require registration.

‘ I do not agree with them. By the 99th section, 53 Geo. III., the Governor and Council have authority to make laws and regulations respecting such duties and taxes, and to impose fines, penalties, and forfeitures, for non-payment of them, in as full and ample manner as the Governor and Council may impose any other fines or penalties.

‘ The manner by which the Governor and Council may impose any other fines or penalties upon any British subjects of Fort-William, is by making a rule or regulation to prescribe a duty, and then imposing a fine or penalty for the breach of it, to have such rule or regulation registered with the approbation of the Supreme Court, by the authority of the statute, 13 Geo. III., c. 63, section 36.

‘ Such a form as required by that section, gives notice to the subject of the law by which he may be bound ; gives to it promulgation. And the law by which the British subjects might be bound in this place, should be first promulgated to them.

‘ The 36th section, 13 Geo. III., has provided for the public notification and registration, of any rule or regulation, the Governor in Council might make here, to affect the British subject.

‘ The 25th section, 53 Geo. III., has provided also for the promulgation of rules, by which persons who might trade to India, by virtue of the provisions of that statute, might be affected.

‘ The section 99. 53 Geo. III. c. 155, enacts, that it shall be lawful for the Governor-General in Council to make laws and regulations respecting such duties, (those to be imposed by the 98th section) to impose fines, penalties, and forfeitures, for non-payment thereof, in as full a manner as such Governor and Council may now make laws and regulations, and impose any fines, penalties, or forfeitures whatsoever. But by the 36th section 13, 1, 3, no regulation, fine, or penalty, can be imposed upon British subjects, until it shall be previously registered according to the form thereby prescribed, with the approbation of this court.

‘ The Stamp Duty Regulation now proposed would affect British subjects ; and therefore, in my judgment it requires registration.

‘ The power given to the Governor-General and Council to make regulations, by the 99th section, 53 Geo. III., and to impose fines, penalties, &c. in as ample manner as the Governor-General in Council may now make regulations and impose fines, refers to a power, by some means given before. The 13 Geo. III. referred to section 36, gives them such a power, provided the regulation shall, as thereby directed, be duly registered. The present rule, therefore, also, in my judgment ought to be registered.

'These sections ought to be considered together. They form a part of the same code of laws, and are affirmative statutes, the latter not repealing the former. And it is a rule of law upon the construction of statutes,* 'that all which relate to the same subject,' must be taken as one system, and constructed consistently, and the practice has been such in cases of bankruptcy, church cases, and other cases."

'It was objected by the petitioners' counsel, that the rule and regulation in question, was made in the name of the Vice President, and not of the Governor-General. But the statute 33 Geo. III. c. 52, has authorized the Vice President to act with such powers as by the Government of Fort St. George and Bombay may be exercised, and the statute 53 Geo. III., c. 155, section 198, has extended to the Governors of the several Presidencies, the power to impose taxes as by that statute.

'Upon the whole, it appears to me the Stamp Regulation in question, has been made in terms that admit registration; that it has been made by competent authority, and that this court ought to order it to be registered.

JUDGMENT OF SIR EDWARD RYAN.

'I MUST after the clear and luminous judgment which has been pronounced by the learned Chief Justice, content myself with simply expressing my assent to the Registry of this Stamp Regulation, but that I feel, in a matter of such importance, it must be more satisfactory to those who are to be affected by this decision, to know the reasons which have operated on the minds of each of the Judges.

'In my own case, I feel it the more incumbent upon me to adopt this course, because, upon some of the questions which have arisen in the course of this discussion, I entertain opinions differing, in some degree, from the other members of the Court; these opinions I think it right to explain, although I admit, they do not materially affect the matter at present under our consideration, but rather apply to our future Government, in deciding upon the rejection or admission of regulations proposed to us for registry. I am also desirous not to be misunderstood or misrepresented, and as the matter now before the Court, has excited much interest in this place, and is, (as we are told by the learned Counsel,) likely to be discussed in various way at home, it is necessary that I should be cautious, that sentiments and opinions may not be imputed to me, as one of the Court, which I have never entertained, and that I may not be supposed to act on reasons or grounds, which, in truth, have no influence in directing my judgment.

'Before I enter upon the reasons which have induced me to con-

* *Rex v. Lowale.*

sent to the Registry of this Stamp Regulation, I think it fit to state my opinion upon the two following questions :—

First,—As to what I conceive is the duty cast upon the Court, when called upon by the 36th section of the 13 Geo. III. c. 63, to register rules, ordinances and regulations, for the good order and civil government of the United Company's Settlement at Fort William, made by the Governor-General in Council.

Secondly,—As to whether persons who will be affected by any regulations, have a right to be heard either by themselves or Counsel, prior to such regulations being registered in this Court.

As to the first question :—The act of the 13 Geo. III. c. 63, s. 36, provides, 'That it shall and may be lawful for the Governor-General and Council of the said Company's Settlement at Fort William in Bengal, from time to time, to make and issue such rules, ordinances, and regulations, for the good order and civil government of the said United Company's Settlement at Fort William aforesaid, and other factories and places subordinate, or to be subordinate thereto, as shall be deemed just and reasonable, (such rules, ordinances, and regulations not being repugnant to the laws of the realm,) and to set, impose, and inflict, and levy reasonable fines and forfeitures for the breach or non-observance of such rules, ordinances, and regulations; but, nevertheless, the same or any of them, shall not be valid, or of any force or effect, until the same shall be duly registered and published in the said Supreme Court of Judicature, which shall be, by the new charter established, with the consent and approbation of the said Court, which registry shall not be made until the expiration of twenty days after the same shall be openly published and a copy thereof affixed in some conspicuous part of the Court-house, or place where the said Supreme Court shall be held; and from and immediately after such registry as aforesaid, the same shall be good and valid in law; but, nevertheless, it shall be lawful for any person or persons in India, to appeal therefrom to his Majesty, his heirs or successors, in Council, who are hereby empowered, if they think fit, to set aside and repeal any such rules, ordinances, and regulations, so as such appeal or notice thereof be lodged in the New Court of Judicature, within the space of sixty days after the time of the registering and publishing the same; and it shall be lawful for any person or persons in England to appeal therefrom in like manner, within sixty days after the publishing the same in England: and it is hereby directed and required, that a copy of all such rules, ordinances, and regulations, from time to time, as the same shall be so received, shall be affixed in some conspicuous and public place in the India House, there to remain and be resorted to as occasion shall require: yet, nevertheless, such appeal shall not obstruct, impede, or hinder the immediate execution of any rule, ordinance, or regulation, so made and registered as aforesaid, until the same

shall appear to have been set aside or repealed upon the hearing and determination of such appeal.'

'The plain meaning of the commencement of this section is, that all rules, ordinances, and regulations, made by the Governor-General and Council, are to be just and reasonable, and not repugnant to the laws of the realm; but '*nevertheless*,' that is, though just and reasonable, and not repugnant to the laws of the land, they are not to be of any force or effect until registered in this court with its '*consent and approbation*.' What other reasonable construction can be put on the words '*consent and approbation*,' than that this Court in respect of all regulations proposed to it for registry, has *legislative as well as judicial functions to perform*, and that it has full power to reject any regulations though they be not repugnant to the laws of the realm, if in its judgment such regulations are upon the whole *inexpedient*. Such I conceive to be the power intended to be vested in this Court, by this act of Parliament, in which words so comprehensive as '*consent and approbation*' have been used; and however inconvenient in my own view, I may think the union of the judicial and legislative character to be, and however painful and burthensome the duty cast upon the Court, still I am not able after the best consideration I can give the subject, to come to any other conclusion. I am the more confirmed in this view, when I consider that the same construction has been put on this section by the East India Company, as is apparent from all the proceedings in the appeal of Mr. Buckingham to the King in Council, against a regulation registered in this Court. *

'I cannot, after arriving at the conclusion that we have the full power of entering into the consideration of the question of expediency, see how this Court can properly discharge its duty, otherwise than by considering the expediency, as well as the legality of every regulation proposed for registry. I know how incompetent a tribunal this is, for both the discussion, and decision of a variety of questions, which may be thus subjected to its consideration. That this Court is ill calculated for some of the functions it has to perform, may be a forcible argument in favour of a change in its constitution; yet while the power remains, I think the Court has not the option of electing to perform a party only, of the duty which has been cast upon it. I would further observe, that although I think the duty cast upon the Judges burthensome and painful, I wish not to be understood as expressing an opinion, that the Governor-General and Council, should, have vested in them the sole power of passing regulations for the good order and civil government of this place, without some review of their proceedings. Nor that cases might not arise within this Presidency, where the rejection of regulations on the grounds of inexpediency, would not be a duty as simple, as if the objection had been merely of a nature strictly legal.

* See Notes pp. 528, 529.

‘The next preliminary question is, as to the right of parties to be heard against the registry of any regulation.

‘Now, it appears by the section of the act which I have already cited, that the registry of regulations cannot be made, although the Court consents and approves of the same, ‘until the expiration of twenty days after the same shall be openly published; and a copy thereof affixed in some conspicuous part of the court house or place where the Supreme Court shall be held.’ What, I would ask, is the extent and meaning of these words? they cannot be intended for the purpose of allowing the Court time to deliberate upon the regulations proposed to be registered; for if this part of the section was omitted altogether, the Court would have exactly the same power as it now possesses, namely, to postpone the registry to any period it may think necessary for deliberation, there being no limited time in which the Court must reject or assent to the registry: On the other hand, although the Court does at once assent and approve, the registry cannot take place until the twenty days expire. These words cannot therefore be considered in this sense, as applicable to the Court. If these words cannot be construed as intending to give the Court time to deliberate, was it the intention of the Legislature that this delay in the registry should take place, in order that the public might be informed of what the Court was about to pass into a law? Now, it is usual to promulgate laws after they are passed, that all may be informed of their duties and liabilities; but it is not usual to proclaim what is about to be formed into a law. I cannot therefore think the object was merely to inform the public, of what the Court was about to do, unless it was also the intention of the Legislature to give those who were so informed, an opportunity of stating their objections, to what was proposed to be carried into a law. I am the more confirmed in this view, when I consider that there is a power of appeal from the decision of this Court, to the King in Council, before which tribunal I conceive the parties appealing would have a right to be heard; and if this be so, it seems inconsistent and contradictory to say, that the parties cannot be heard before the inferior tribunal, whose decision is appealed against, although they may claim to be heard before the superior. As far as usage has any effect in explaining the meaning of this section, the view that I have taken appears to be correct; it having been the uniform practice of this Court, since its institution, to hear counsel when applying for that purpose, against any regulation proposed to be registered; and it having been also expressly decided in this place, as we are informed, by one learned Judge, that the public had a right to be heard. Upon these grounds, I think that the parties affected by any regulation, have a right to be heard against its registry; but I think that this is a right subject to limitation and controul. It is not contended at the bar, that every individual affected by the regulation has a right to appear, either by his coun-

sel. or by himself, to state his own particular views and objections; it is only contended, that the public collectively have a right to be heard, it resting entirely with the Court to determine the time and mode in which they will hear their objections, as well as the number of persons to be heard.

‘ I now come to the questions more immediately before us. The Advocate-General applies to this Court, to register a regulation for raising and levying stamp duties within the town of Calcutta, in order that penalties contained in such regulation may be enforced in this Court. A petition is presented, and the petitioners are heard by counsel against the registry: all the objections urged, appear to me, to arise out of the construction that is to be put on the 98th and 99th sections of the 53 Geo. III. c. 155.

‘ The 98th section is as follows :—“ And whereas it is expedient that the Governments of the said Company established at Fort William, Fort Saint George, Bombay, and Prince of Wales’ Island respectively, should have authority to impose duties and taxes to be levied within the several towns of Calcutta and Madras, the town and island of Bombay, and Prince of Wales’ Island, and also duties and taxes to be paid by persons subject to the jurisdiction of the said Supreme Court of Judicature at Fort William in Bengal, the Supreme Court of Judicature at Madras, the Court of Recorder at Bombay, and the Court of Judicature at Prince of Wales’ Island respectively, Be it therefore enacted, That it shall and may be lawful to, and for the Governor-General in Council of Fort William in Bengal, and to and for the Governor in Council of Fort Saint George, and to and for the Governor in Council of Bombay, and to and for the Governor in Council of Prince of Wales’ Island, to impose such duties of customs* and other taxes to be levied, raised and paid within the said towns of Calcutta and Madras, the said town and island of Bombay and Prince of Wales’ Island, and upon and by all persons whomsoever residing or being therein respectively, and in respect of all goods, wares, merchandizes, commodities, and property whatsoever also being therein respectively; and also upon and by all persons whomsoever, whether British-born or foreigners, resident or being in any country or place within the authority of the said Governments respectively, and in respect of all goods, wares, merchandizes, commodities, and property whatsoever being in any such country or place, in as full, large, and ample a manner as such Governor-General in Council, or Governors in Council respectively, may now lawfully impose any duties or taxes to be levied, raised, or paid upon or by any persons whomsoever, or in any place whatsoever, within the authority of the said Governments respectively. Provided always, that no imposition of any such duty or tax or any increase of any such duty or tax within the said towns of Calcutta

* Why ‘ customs ’ specified, if ‘ other taxes ’ imply *all* and *any* other taxes ?

or Madras, the said town or island of Bombay, or Prince of Wales Island, shall be valid or effectual until the same shall have been sanctioned by the said Court of Directors, with the approbation of the said Board of Commissioners, in manner hereinafter prescribed, respecting duties and taxes of export, import, and transit, on goods, wares, or merchandizes."

' This section, it is stated by Mr. Advocate-General, empowered the Vice-President under, and with the sanction of the Court of Directors, and with the approbation of the Board of Commissioners for the affairs of India, to impose a stamp duty within the town of Calcutta, and that the *imposition* of the tax was complete, and perfect without the sanction of this Court. But that under the 99th section, which empowered the Governor-General in Council to impose fines, &c., for the non-payment of the duties, &c., to be levied, it was expedient, as doubts had arisen, to have the regulation imposing such fines, &c., registered in this Court.

' The petitioners object to this Court registering a regulation for the enforcement of fines, &c., for the non-payment of a tax, which they contend, there was no authority to impose.

' They also contend, that even if the Court should be of opinion, that there was sufficient authority to impose this tax, yet that the regulation for carrying it into effect is illegal and inexpedient. Such are the general grounds of objection.

' Now whether this tax has been legally *imposed*, depends entirely on the construction that is to be put on the 98th section of the 53 Geo. III. c. 155. I should say, had not doubts apparently arisen upon the minds of those whose judgment and learning I respect, that a more clear and intelligible section of an Act of Parliament I never read; and, I must confess, from the first time that I saw this section down to the present, I never have for a single moment doubted of the construction that was to be put upon it, further than a diffidence I could not help feeling, when what appeared so clear to my understanding was not so to that of others. The preamble recites, "Whereas it is expedient that the Government of the said Company established at Fort William, &c., should have authority to impose *duties and taxes*, to be levied within the several towns of Calcutta," &c. Stop here,—and apply the common rule of construction, that "the preamble is a good means of collecting the intent," Com. Dig. Parliament, (R. II.) which applies with greater force where it is affixed to a particular section. Can words be more general than "*authority to impose duties and taxes*" ? either word is sufficiently comprehensive to include within it the present tax. Duties on vellum, &c., are the words of the Stamp Act of 5 and 6 W. and M. c. 21. Then follows the enacting part of the section, containing the words to impose all *such duties of customs, and other taxes*, but even as if to guard against the possibility of a case like the present, that plain words were not to be construed according to

their obvious meaning, nor according to the intent pointed out in the preamble, the statute goes on, " be it therefore enacted, that it shall and may be lawful to, and for the Governor-General in Council of Fort William in Bengal, and to and for the Governor in Council of Fort Saint George, and to and for the Governor in Council of Bombay, and to and for the Governor in Council of Prince of Wales' Island, within the respective Presidencies of Fort William, Fort Saint George, Bombay, and Prince of Wales' Island, to impose all such duties of customs and other taxes to be levied, raised, and paid within the said towns of Calcutta and Madras, the said town and island of Bombay, and Prince of Wales' Island, and upon and by all persons whomsoever, resident or being therein respectively, and in respect of all goods, wares, merchandizes, commodities, and property whatsoever also being therein respectively ; and also upon and by all persons whomsoever, whether British-born or foreigners, resident or being in any country or place within the authority of the said Governments respectively, and in respect of all goods, wares, merchandizes, commodities, and property whatsoever being in any such country or place, in as full, large, and ample manner as such Governor-General in Council or Governors in Council respectively, may now lawfully impose any duties or taxes to be levied, raised, or paid, upon or by any persons whomsoever or in any place whatsoever within the authority of the said Governments respectively.*

' Now what taxes might the Governor-General in Council impose at the time of passing the 53d of Geo. III. ? If the Governor-General in Council might, at the time of passing this act, impose any duties or taxes upon any person or in any place, excepting the town of Calcutta, &c., what other meaning can be given to the words of the act, than that the legislature meant to take away the excepted case, and to give the same powers of taxation in Calcutta as in the Mofussil ? requiring, however, that this power of taxation should never be exercised unless sanctioned by the Court of Directors and the Board of Commissioners.

' The Petitioners have, in order to obviate such an interpretation of this part of the statute contended, that at the time it was passed, the Governor-General in Council had no power to impose

* Not so—not at the time of, i. e., previously to the passing of this act, but now, i. e., now that certain powers of taxing are defined under this very act, i. e., by antecedent enactments thereof, namely, the 25th section :—now is in fact restrictive. Before this act, if the Government could lawfully tax in any kind or degree, they were restrained by section 25 to duties of a particular sort and amount, to protect the free trade ; but that section only referred to the Mofussil, and particularly to places of export, as on the Malabar and Coromandel coast, where the Company's sole authority prevailed. It was just and necessary to give the same powers of taxing in the same kind, and under the same restraints, within the jurisdictions of the King's Courts ; and this power, and no more, is conveyed by a general enactment in sections 98 and 99, to the same effect as section 25, conveyed power and restrained it *quoad Calicut*, or *Visagapatam*,

any duties or taxes upon any person whomsoever, or in any place whatsoever.

'The Court has already expressed its decided opinion, that the Governor-General in Council had full power to impose any duties or taxes in the presidencies of Bengal, Bahar, and Orissa, at the time of passing the 53 Geo. III., with the exceptions only which are recited in the preamble of this section. The origin of this power and its continuation down to the present, has, I think, being accurately traced by Mr. Advocate General, and I wish to state, that I entirely concur with the learned Chief Justice in the view which he has taken of this question, and the reasons and grounds which he has assigned in support of that view, are to my mind so satisfactory and conclusive, that I think it unnecessary to occupy the time of the Court by any useless repetition of them. The Governor-General in Council, having then in the opinion of this Court, at the time of passing the 53 of Geo. III., power to impose taxes of any description in the Mofussil, and having prior to the statute exercised that power in a variety of instances, the exercise of which power has been constantly recognised by parliament, as the learned Chief Justice has so clearly pointed out; what other construction is it possible to put on this section, than that the legislature intended to give the same power of taxation in the town of Calcutta? I am aware, that one of the learned counsel for the petitioners ingeniously endeavoured to get rid of this construction, by construing the words "*in as full, large and ample MANNER,*" to apply to the *mode* of collection, not to the *imposition* of the tax; and contended that the meaning of this section was, that the Governor-General in Council had power to levy and collect all duties of Customs and *other Taxes*, (meaning taxes *ejusdem generis*,) in Calcutta, in as large and ample a measure as the Governor-General in Council might now levy and collect any duties or taxes in the Mofussil. This mode of construction, if correct, would not be affected by showing, that the Company had the most extensive power of taxation in the Mofussil; but I cannot for a moment think, that the words will bear this interpretation, so contrary to their plain and obvious meaning. I am therefore clearly of opinion, that this tax has been legally imposed.

'With the *expediency or inexpediency* of such a tax, the Court has *nothing whatever to do*; fortunately, as I think, that question has in the *present instance* been withdrawn from its consideration, and I beg to be understood as expressing no opinion whatever on the *expediency or inexpediency of the measure itself*.*

* Compare this doctrine about expediency with what he says in a preceding page. How has the question of expediency been 'withdrawn' in the present instance? The expediency was *particularly* necessary to be considered, as a key to the *intention* of Parliament in this doubtfully worded statute: It could not be in-

'The only questions that remain for consideration, after being satisfied that the tax is legally imposed, are, whether the regulation for carrying into effect, is either repugnant to the laws of the realm, or upon the whole, so inexpedient, that this Court in the exercise of a sound discretion, ought to refuse to register it? But before I enter more particularly into the consideration of the regulation itself, I would make one or two observations on the 99th section of the 53 Geo. III. c. 155: the words are, "that it shall and may be lawful for such Governor-General in Council, and Governors in Council, respectively to make laws and regulations respecting such duties and taxes, and to impose fines, penalties, and forfeitures for the non-payment of such duties and taxes, or for the breach of such laws or regulations, in as full and ample manner, as such Governor-General in Council, or Governors in Council, respectively, may now lawfully make any other laws or regulations, or impose any other fines, penalties, or forfeitures whatsoever."

'The 98th section empowered the Governor-General in Council in a manner therein described, to impose this tax, but it is the section I have just cited, that provides for the carrying the imposition of the tax into effect, and that is by making laws and regulations in as full and ample manner as such Governor-General in Council may now lawfully make any other laws or regulations, or impose any other fines, penalties, or forfeitures; it does not go to say upon any person whomsoever, or in any place whatsoever; which words, if contained in this section would, according to the construction, which has been put upon them in the 98th section, have given the Governor-General in Council, the same power of imposing fines and penalties in Calcutta, as he now possesses in the Mofussil; but there is no extension of this kind. What power then did the Governor-General possess of making regulations and imposing fines affecting persons within the town of Calcutta, at the time this statute passed? for that power, and that only is given to the Governor-General in Council. It is obvious, that all regulations in any way affecting the inhabitants of Calcutta, must at the time the statute passed have been registered in this Court. I have, therefore, no doubt of the necessity of registering this regulation before any penalties, or forfeitures of any kind can be enforced, and construing the 100th section, in conjunction with the two preceding sections, I am clearly of opinion, that no information can be sustained in this Court, but for penalties and forfeitures, the imposition of which had been authorized by regulations duly registered.

'Being then of opinion that the imposition of this tax is lawful, and that any regulation for the enforcement of the tax must be registered, the only remaining question is, whether the present regu-

tended as expedient to give a general power to oppress indirectly the Free Trade, which this statute creates and protects. Judge Ryan nowhere refers even to the 25th section, which is a key to the 98th.

lation is such as the Court will either on the grounds of illegality or inexpediency reject.

‘It was stated by the learned Chief Justice, when this part of the subject was under discussion at the bar, that he, for one, would not reject a regulation like the present, because there were technical informalities, or because the language was not of the most precise and definite nature. I expressed my concurrence in that opinion, but, at the same time, gave as one of my reasons, what, on reflection I find to be incorrect, and in which I think I ought to put myself right; I stated that the time it would take to correct any such informalities, if rejected, was a ground with me for not giving them the same attention, as if the regulation had only to be referred back for correction to the Vice-President in Council here, forgetting that it was not necessary to send this regulation home. I have been informed, that it is the opinion of the Government of this place, that they have not authority to propose this regulation for registry in any other form; and that they cannot, without the assent of the Court of Directors and Board of Commissioners, alter any part. Practically, therefore, that would take place, which I have anticipated, if this regulation was rejected; but I think the Court can only look at this, as indeed it purports to be, the regulation of the Vice-President in Council here, and as such may be returned for alteration without the inconvenience I had anticipated.

‘As to the powers which the Government may conceive they possess on the subject, I think this Court can have nothing to do. As far as we are concerned, we can only look at it as a regulation passed here. I wish, therefore, to be understood, as dismissing from my mind any allowance I might otherwise be disposed to make for informalities, or want of technicality in the language, which I still think, supposing it to have been *necessary* for the regulation to have been sent home, I was quite at liberty to entertain on the general ground of expediency.

‘Upon the best consideration I have been able to give this subject, I think none of the provisions for enforcing the tax are illegal; but on the contrary, that if such a tax is to exist, the provisions are, upon the whole, expedient for carrying it into effect.

‘In the consideration of their legality and expediency, I have directed my attention to the provisions of the different Acts of Parliament, for the imposition of stamp duties in England and Ireland, thinking that, if I found the provisions of this stamp regulation, according with what had already received the approbation of the Legislature, that I should fairly presume such provisions to be legal and expedient, unless some exceptions and distinction were presented to me peculiar to this country, so as to take such provisions out of the general rule. In those instances where I could find no provisions of a similar nature in the British Acts of Parliaments, I have considered whether the provisions were legal as well as expedient,

and I wish to be understood, as not adopting in these cases, as a test of their legality or expediency, that provisions of a similar nature may be found in British Acts of Parliament, relating to different subjects, such as the excise and revenue laws.

‘I think that if in this country where a stamp tax is imposed for the first time, it could be shewn that a regulation for the enforcement of such tax, contained provisions and enactments more severe than any of the British Acts of Parliament relating to the same subject, from the time of 4th and 5th William and Mary, down to the 55th of Geo. III; such would be a ground for me at least to object to its registry.

‘I will now proceed to consider those parts of the regulation that have been objected to.

‘Section 9, paragraphs six and fifteen, and the latter part of paragraph sixteen, were objected to on nearly the same grounds, namely, as to the uncertainty of the daily fine to be imposed, and that it was left to the discretion of the Board of Revenue to impose such daily fine as they might think fit. The true answer to this objection, is the one suggested at the time by the learned Chief Justice, that although the Board of Revenue may direct the fine which is to be imposed, (which I think is the true construction of these paragraphs, though at the time of the discussion I entertained a different opinion,) yet, that the maximum of the fine is limited by all rules of construction in penal statutes to the sum mentioned, as the forfeit for the first commission of the offence; and that although the Board of Revenue may in their discretion impose a smaller fine, they cannot impose a greater.

‘I would further observe as to paragraphs six and fifteen, that the fine there to be imposed is on a vender or distributor of stamps, a person who, for the sake of profit, voluntarily subjects himself to the penalties imposed in case of non-compliance with the regulation.

‘Paragraph sixteen was also objected to, as subjecting the heir or personal representative to fines and penalties, excessive of themselves, and for which there was no precedent in any Acts of Parliament relating to stamp duties. There is certainly, as far as I can discover, no precedent for this provision in any English or Irish Acts of Parliament; but although I at first entertained some doubts on this paragraph, I do not, upon consideration, think it either illegal or inexpedient, but that in truth, the heir or personal representative is with this provision placed in a more secure situation than persons standing in the same relation to a vender or distributor of stamps in England; for there, be it remembered, the vender or distributor is, from the time of entering into his office, a debtor to the Crown; and all the effects of the heir or personal representative may be swept away by force of an extent for debts due to the Crown, contracted at any period after his acceptance of the office.

Now here it should be observed, that by the first part of this paragraph, and by the previous sections, the collector prior to demanding search, has before him facts on which to presume that stamped paper or other documents are in the possession of the representative of the deceased vender or distributor. He is not empowered to enter absolutely the house and search, *but only demand to search*, which, on refusal, subjects the party to a fine. There is no power to enter into the house and search without the consent of the representative. Whereas the Sheriff in executing a writ of extent, may, after signifying the cause of his coming, and requesting to have the doors opened, upon refusal, break into the party's house, and either arrest him or take his goods.

'The provisions of Section 11, paragraph 1, are similar to the provisions of the 48th Geo. III, c. 149, s. 11 : the 54th Geo. III, c. 118, s. 5 ; the 55th Geo. III, c. 100, s. 15, and c. 184, s. 11 ; and upon the principle I have already laid down, I consider them on that account as neither illegal nor inexpedient.

'As to Section 11, paragraph 3, I think the penalty not uncertain, because the proper stamp can be ascertained by reference to the schedule, and the excess over the stamp used, being multiplied by five, ten or twenty, as the case may be, fixes the amount of the fine.

Section 12 will be found to be similar to the 48th Geo. III, c. 149, s. 28 ; the 52d Geo. III, c. 126, s. 32 ; and the 55th Geo. III, c. 81, s. 38.

Section 15, the last in the regulation, was objected to, principally because it was contended that the Court had no power of authorising the persons therein mentioned, to administer an oath. Much stress was laid on this objection by counsel, but to me it appears a decisive answer to say, that Parliament has delegated to the Governor-General in Council, the power of making rules and regulations for the good order and civil government of this place, which are in the present instance, effective upon being registered in this Court. If it has delegated this power, surely it must attach to it, as an incident, all that may be necessary to carry such regulations into effect, and what so usual and necessary as the investigation of matters of fact upon oath ; to say, as has been argued, that this provision in the stamp regulation is contrary to law, because every oath must be warranted '*by act of Parliament or by the common law, time out of mind*,' is no objection to the present regulation ; because I answer that if the warrant of Parliament is necessary, that such warrant exists in the present case, they having delegated to the Governor-General in Council and this Court, legislative powers.

'I have stated the reasons which have induced me to consent to the registry of this stamp regulation, and it is a satisfaction to me to know, that there is another tribunal by which my judgment, if erroneous, may be corrected,

LINES

ADDRESSED TO A YOUNG LADY, WHO PRESENTED THE
AUTHOR WITH SOME LILIES OF THE VALLEY.

THE Hly you pull'd,
Was one you had plant'd,
For me it was cult'd,
With a hope that enchanted.
Now, wither'd and cold,
'Tis thy love's fleeting token ;
Its ruin, behold,
In the heart thou hast broken.

I prized the perfume
Of its first and last sighing ;
I nursed it in bloom,
And I cheer'd it when dying.
Though scentless and faded,
Not as thy love's token
I deem'd or surr'd it,
Till this heart thou hadst broken.

When sunshine and pride
Had illumined its wreathing,
And freshness supplied
Ev'ry charm to its breathing,
I thought it less pure
Than thy vows warmly spoken,
Of thy promise secure,
Ere this heart thou hadst broken.

Oh ! could I believe
That my hopes would have perish'd,
That thou would'st deceive
Ev'ry hope I had cherish'd !
Without one farewell,
From thy lips kindly spoken,
Thou'st left me to dwell
With a heart thou hast broken.

Farewell ! may reflection
Be never appealing,
From slighted affection,
To torture thy feeling.
And if thou should'st think
On thy vows, falsely spoken,
May thy bosom ne'er sink
Like the heart thou hast broken.

MEXICO, OR NEW SPAIN.

IN former Numbers of our Journal, we have described the present state and condition of several of the Spanish American Republics. We shall now proceed to give a short account of Mexico, the name generally given to that vast extent of country included between the parallels of the 38th and 10th degrees of latitude. On the west it is bounded by the Pacific Ocean; on the east by the Gulf of Mexico, and on the south-east by the Atlantic Ocean. This vast country is divided into twelve intendancies, to which must be added three other districts at a great distance from the capital, which have preserved the simple denomination of provinces. 1. The province of Mexico, along the parallel of the Rio del Norte to the north of the parallel of 31° ; 2. The intendancy of New Biscay; 3. The province of New California; 4. the province of Old California; 5. The intendancy of Sonora; 6. San Louis Potosi; 7. Zacatecas; 8. Guadalupe; 9. Guanajuato; 10. Valladolid, or Mechvacan; 11. (The intendancy of) Mexico; 12. Puebla; 13. Vera Cruz; 14. Oaxaca; 15. Merida.

Nearly one-half of Mexico is situate under the burning sky of the tropics, while the remainder lies within the temperate zone. But such is the general and prodigious elevation of the American Continent above the level of the sea; that its climate depends even more on this cause, than on its distance from the equator. In Mexico the country rises gradually from the ocean towards the interior, and is spread out into vast plains, elevated to the height of from 6000 to 8200 feet above the level of the neighbouring seas. These plains have been usually distinguished from their uniform elevation, by the denomination of Table-Land, being elevated in form of a table above the surrounding country. On the west, from the Pacific Ocean at Acapulco, the country rises more abruptly than on the east, from the Atlantic Ocean at Vera Cruz. Taking our direction from Mexico the capital, which is nearly at an equal distance from both oceans towards Vera Cruz, the road advances sixty leagues before a single valley occurs, of which the bottom is less than 3280 feet above the level of the sea. In the opposite direction, from Mexico to Acapulco, towards the Pacific Ocean, the road descends the same space in less than seventeen leagues. The country is furrowed by four very remarkable oblong vallies, of which the respective heights above the level of the sea are 3217, 1685, 557, and 518 feet. For the space of seventy-two leagues, the distance, in a straight line, from Mexico to Acapulco, there is a continued ascent and descent, presenting the traveller with a constant succession of extreme cold and most oppressive heat. From this singular construction of the country of Mexico, it is only on

the coasts that the climate is adapted for all kinds of tropical produce, its mean temperature being about 77 degrees of Fahrenheit's thermometer, or about 14 or 16 degrees greater than the mean heat of Naples. These are denominated the Warm Regions; and the climate, especially in the populous cities, is extremely pernicious to Europeans, who are liable to be seized with the yellow fever, before their constitution has become innured to the dangerous effects of the climate. The shores of the Pacific Ocean, from Acapulco to the ports of Colima and San Blas, are very unhealthy: Vera Cruz, also, on the Atlantic coast, is visited periodically by the yellow fever; and intermittent fevers are very prevalent all along the coast.

The regions to which the Natives give the appellation of temperate, are on the declivity of the Andes, at an elevation of from 4 to 5000 feet above the level of the sea. There reigns here perpetually a soft spring temperature, which never varies more than seven or nine degrees; there are here no extremes either of heat or cold.

The third region is distinguished by the name of the Cold Region; and comprehends the plains elevated more than 7000 feet above the level of the sea. In the city of Mexico, which is above this level, the thermometer has been known to fall several degrees below the freezing point. The plains which are more elevated, those, namely, which rise above the height of 8200 feet, possess, even within the tropics, a rude and disagreeable climate. Under the parallel of Mexico, the limit of perpetual snow is in January 12,138 feet; and after the summer heats it recedes to 14,763 feet. The warm regions of Mexico, those namely, which lie along the sea coast, yield sugar, coffee, indigo, and generally all the articles found in tropical countries, while the temperate regions are favourable for all sorts of European grains and fruits. The Mexican wheat is of the finest quality, and always brings a high price.

But Mexico is chiefly remarkable for the enormous value of its metallic produce, which after all is only received from a small number of mines. The value of the American mines, above all others, arises from the abundance of the ore, and from the facility of working it. The ore itself is remarkable for its poverty, a quintal or 1600 ounces affording only three or four ounces of pure silver. The same quantity of mineral ore in the silver mines of Mamerberg in Saxony, yields from 10 to 15 ounces. Such, however, is the abundance of the American ore, and so easily is it procured, that the chief draw-back upon the produce of the mines is the want of mercury for the extraction of the silver from the substances with which it is found mixed. It is calculated that silver is sent from the ports of Acapulco and Vera Cruz, to the amount of 1,500,000 pounds, the greater part of which is produced by a small number of mines. The half of this sum is supplied by the mines of Guanaxuato, Zacatecas, and Catoree. The vein of Guanaxuato supplies

more than a fourth part of the whole silver of Mexico. The whole annual produce of the American mines is estimated by Baron Humboldt at 48,500,000 dollars, or 9,515,695*l.* sterling. The quantity of silver, annually extracted from the Mexican mines, is ten times greater than what is furnished by all the mines of Europe; but gold is not much more abundant in Mexico, than it is in Europe. From Hungary and Transylvania, gold to the amount of 8500 pounds, is derived in the course of a year, while the gold delivered into the Mexican mint only amounts upon an average to about 4670 pounds. The Mexican gold is chiefly extracted from alluvial grounds by means of washing. Another part of it is extracted from the veins of silver which intersect the primitive rock. Gold is to be found either pure or mixed with silver ore in the greatest number of veins which have been worked in Mexico, for there is scarcely a single silver mine which does not contain some gold. The principal vein in the mine of Santa Cruz was found intersected by a great number of rotten veins of exceeding richness. The argillaceous slime with which those small veins are filled, contains so great a quantity of gold, scattered about in impalpable parcels, that the miners are compelled, when they leave the mine nearly in a state of complete nudity, bathe themselves in large vessels, to prevent any of the auriferous clay from being carried off by them on their bodies.

From a general view of the beds in which the metals are deposited in Mexico, it appears that the Andes contain veins in a great variety of rocks, and that those rocks, which at present furnish almost the whole of the silver annually exported from Vera Cruz, are the primitive slate and alpine limestone, intersected by the veins of Guanaxuato, Zacatecas, and Cotoree. Those mines contain generally no principal vein. That of Guanaxuato, from which there has been extracted during the last 12 years more than 4,000,000 pounds of silver, is from 131 to 147 feet in breadth, and about eight miles in length, extending from Santa Isabella to Buena Vista. The district of Guanaxuato contains also the remarkable mine of Valenciana, which reaches to the enormous depth of 1640 feet, and extends horizontally about eight English miles. In consequence of its extensive depth, there are nearly 1000 miners employed as beasts of burden, under ground, to carry the minerals to the most convenient point for raising them out of the pit; and to save this expense, they have begun to pierce in the solid rock, a new pit in the centre of the works, which is to be terminated at the bottom of the mine. The mine of Valenciana, employs altogether about 3100 persons, of whom more than half work under ground. For these forty years it has yielded a *profit* of from 80 to above 120,000 pounds sterling, per annum. There have been years in which the net profit amounted to 250,000*l.* sterling. In the working of this mine they expend above 180,000*l.* sterling per annum, in wages and in materials, such as powder, tallow, wood, leather, steel, &c. The annual expense for gun-powder alone is upwards of 16,000*l.*

A company has been formed on an extensive scale in Great Britain, for working the Mexican mines; and although reports in some degree prejudicial to its success have been industriously circulated, we cannot perceive why, with the combined advantages of an abundant capital, and of improved science, the undertaking should not answer, and answer well, to its projectors. It is true that 2,600,000*l.* of English capital have been already expended upon the concern; but large as this sum is, the result will amply repay the proprietors. It will be observed that we speak only of the Mexican mines: in the other states of South America, with the exception of Colombia and Brasil, all the enterprises have been abandoned. The Mexican mines, although even heretofore better managed than those of Peru, may be made still more valuable. There are many defects that might be remedied. The theory of mining has made but little progress in Mexico; and the machinery in use for the extraction of water from the pits, is very imperfect. Some mines, indeed, such as those of Animas and Valenciana, are entirely dry; and here the workmen are annoyed by the dust and by extreme heat. It is singular that in most mines the heat increases in proportion to the depth of the mine. In several of the Swedish mines, the miners are forced by the extreme heat, to work almost naked; the heat is also very great in some of the deepest of the Cornish mines; and in the mine of Valenciana, the thermometer indicates from 71 to 77 degrees.

Many of the mines, in consequence of the imperfection of their works, either remain under inundation, or the water is drawn off by such an inconvenient, clumsy, and expensive process, as greatly to reduce the profits of the mine. The British proprietors, who have subscribed capital for working the Mexican mines, having a managing committee to superintend their administrators, will, no doubt introduce a proper system of machinery, in place of the imperfect contrivances now in use for clearing the mines of water; and there is reason to believe that many which are at present abandoned, may again be wrought with great advantage; and that by the same improved system, the profits of those already in operation may be very considerably increased. These improvements become the more necessary, and they may be executed with greater success, as the mine descends deeper into the earth, and as the expense of working it becomes greater. There is another great defect in the management of the Mexican mines which admits of being remedied; namely, the great inconvenience and expense which arises from the want of proper communications established between different parts of the works. The interior economy of the mine frequently resembles an ill-constructed building, when to pass from one adjoining room to another, we must make the circuit of the whole house. In the mine of Valenciana, for example, which is so justly admired on account of its wealth, the magnificence of its walling, and the facility with which it is entered by spacious and commodious stairs,

there is a union of small works without system, and without any lateral communication.

Nor is there any plan of the works in existence; and, hence, it may occur, that, in the labyrinth of cross galleries and interior pits, two works may be near one another, without the possibility of perceiving their proximity. The inconvenience of such an arrangement in this, and, indeed, in all the Mexican mines, is particularly felt, because the mineral ore being, in general, poor, but very bulky in proportion to its value, is of very expensive carriage. The distances, also, being unavoidably great, it becomes the more necessary to shorten them as much as possible, and to avoid all circuitous roads, and all unnecessary carriage of so bulky an article, the expense of transporting which detracts so materially from the annual profits of the mine. The weekly expense of the carriers only, who labour in the mine of Valenciana, amounts to 6244. These enormous expenses of transportation would be diminished more than two-thirds, if the works communicated with one another by interior pits, or by galleries adapted for conveyance by wheelbarrows. Well-contrived operations, systematically and scientifically executed, would facilitate the extraction of minerals, and promote the circulation of air, rendering, at the same time, perfectly unnecessary, this multitude of unproductive labourers.

¹ It appears by the accounts which have been so industriously collected by the indefatigable Humboldt, that the produce of the Mexican mines has been increasing for the last forty years. The average amount, from 1750 to 1759, was above sixteen millions of dollars: from 1771 to 1803, it increased above three millions on the average. Great improvements might be effected in the Mexican, as in all the other American, mines, by extracting the silver from the ore. It is well known that it is by means of quicksilver that this is effected, and in this operation, as now practised, there is a very considerable waste. The quantity of quicksilver required annually for Mexico was about 16,000 quintals, of 16,000 ounces each: and, for the whole of America, about 25,000 quintals were required. A great part of this supply was imported from Europe; and, during the late wars, when the intercourse between Spain and her colonies was interrupted by the vigilance of the British cruisers, the working of the Mexican mines was frequently suspended for want of this necessary article. There was another great abuse, while the colonies remained under the government of the mother country, namely, that the sale of quicksilver was a royal monopoly, and its distribution a source of favour and influence which produced the grossest abuses.

From what we have shown, therefore, it must appear evident, that British enterprise, aided by British wealth, may explore with success the rich recesses of this extraordinary country. The undertaking will, doubtless, require much courage, perseverance, and labour;

but in proportion to the difficulties and the toil will be the sweetness of the reward. All that we can say is, that they have our best and warmest wishes for success.

The population of Mexico consists of various races, of which they reckon about seven. 1. The whites, born in Europe. 2. The Spanish Creoles, or whites of European extraction, born in America. 3. The Mestizoes, or descendants of whites and Indians; the remaining four races, consisting of the Indians and Negroes, or of crosses of these original breeds with each other, and with the whites. The population, in 1793, was estimated at 4,483,529. This enumeration, however, was imperfect in many respects; and after several necessary and careful corrections, it is raised by Humboldt to 5,200,000. Since this period the improvement of the country has been obvious and rapid. The augmentation of tithes, and of the produce of the Indian capitative tax, the progress of agriculture and of civilization, the aspect of the country, covered with newly-constructed houses, announce a rapid increase and improvement in every part of the kingdom. On these grounds Humboldt calculated the population, in 1808, at 6,500,000.

Mexico contains a number of populous and wealthy cities. The chief of these is Mexico, the capital, about four miles square, containing 136,500 inhabitants, and situated in the high table-land in the middle of the continent, about mid-way between the Atlantic and Pacific Oceans.

Zaticas, the capital of the intendancy of that name, 240 miles north of Mexico.

Guadalaxara, 19,500 inhabitants, 280 miles north-west of Mexico.

Guanaxuato, capital of the intendancy of the same name, 70,600 inhabitants.

Valladolid, 18,000 inhabitants, 120 miles west of Mexico.

Puebla de los Angeles, 67,000 inhabitants, 70 miles east-south-east of Mexico.

Vera Cruz, the grand sea-port of Mexico, 16,000 inhabitants, 150 miles east-south-east of Puebla de los Angeles.

Oaxaca, 24,000 inhabitants, 250 miles south-west of Mexico,

Merida, 10,000 inhabitants, 70 miles north-east of Campeachy.

Acapulco, on the coast of the Pacific Ocean, with an excellent harbour; 4000 inhabitants, most people of colour, which are increased to 9000 by the resort of strangers to the annual fair.

Durango, 170 leagues north-west of Mexico, 12,000 inhabitants.

Sonova, 75 miles south of Ariape, 6,400 inhabitants.

San Luis Potosi, situated on the eastern declivity of the table-land. 12,000.

OBSERVATIONS ON THE CLASSIFICATION OF THE LANGUAGES OF ASIA.

ALTHOUGH the idioms spoken in Asia have been, up to the present day, the subject of many important labours, and although much light has lately been thrown on this difficult subject, it is not less true that much yet remains to be done, and that there are still many nations whose languages are entirely unknown to us. Leaving almost entirely aside the 'Mithridates of Adelung,' as a work, as respects Asia, extremely inaccurate and imperfect, we have had recourse, in the Asiatic part of our 'Atlas,' to sources more recent and profound. We think it unnecessary to repeat them here, as we have always taken care to quote them in the different parts of this chapter, in order to enable our readers to appreciate the bases of our classification, as they form the essential part of the work, round which are arranged every thing of importance which geography and history have furnished us with, respecting the nations mentioned in the 'Atlas.' We may remark, however, that our chief guide, in all that respects the languages of this part of the world, have been the 'Asia Polyglotta,' of M. Klaproth,—the 'Recherches sur les Langues Tartares,' of M. Remusat,—the valuable notes and references which we owe to the extreme politeness of M. St. Martin, on the Semitic, Persian and Armenian races,—the learned dissertation of Dr. Leyden on the Indo-Chinese languages,—and that of the Baptist Missionaries, on the Idioms of India.

I.—*Family of the Semitic Languages.*

The attentive perusal of some of the authors quoted in the 'Mithridates,' the comparison of vocabularies, and particularly the advice and learned notes for which we are indebted to the politeness of that learned orientalist, and profound philologist, M. St. Martin, have constrained us entirely to change the classification of the Semitic languages, which we deem it indispensable to divide into five principal branches, viz., the Hebrew, the Syriac, the Arabic, the Abyssinian.

Before proceeding to support these changes, we think it necessary to say something on the term, *Semitic*, which, after the learned Eichhorn, we have bestowed on this family. In employing it, we have felt as deeply as any one the inconvenience of giving this name to nations not descended from Shem, a great part of whom even form part of the posterity of Ham; but having no other general term of greater convenience, we have judged it better to preserve it than to substitute in its place that of *Oriental Languages*, which has, indeed, been adopted by some philologists, but which is very inaccurately applied, in the present state of philology. As many great philologists

are at present occupied with the study of the Persian, Sanscrit, Hindoostan, Turkish, Mandelow, Chinese, Malay, and Japanese languages, it would follow, that, by conferring the special term of *Oriental Languages* on the idioms termed *Semitic*, we should bestow on them an appellation directly opposed to the signification of the word *Oriental*, that being applied to languages exactly west, in reference to those which we have just named.

We have commenced our view with the *Hebrew* branch, because it contains the Hebrew idiom, which should hold the first rank among the Semitic languages, on account of its antiquity, and its presenting us, with the most ancient literary monuments in our possession. Besides, the Phenician enters into this class, which appears to have been the first idiom that possessed an alphabet—the Egyptian alone being able to dispute this honour with it.

'The proximity of Judea,' says M. St. Martin, in the notes with which he has had the goodness to favour us, 'the close and various relations necessarily subsisting between the Hebrews and Phenicians, would all contribute towards approximating their languages. It is probable that the Hebrew and Phenician have little sensible difference. The absence of data opposes an invincible obstacle to the full solution of this question. The ruins and the medals of this people have been the object of numerous conjectures and dissertations, which have produced few results. We must except the labours of Barthélemy, and particularly of the learned Akerblad, who has given a very good interpretation of a Phenician inscription, found by Pocock at Citium, in Cyprus, from which it appears that this language differs little in reality from the Hebrew.' It is, on this account, that the Phenician appears in our tables, without the mark of interrogation, which we always affix after the words of such idioms whose affinity is doubtful, or much contested. With regard to the Phenician alphabet, the ancient medals of Tyre, Sidon, Acre, Berytus, Arad, and Marathus, have made us acquainted with the letters; but as these medals belong to very different periods, some being of the fifth century before Christ, while others are of the second century of the Christian era, they are often of very different forms, and often vary considerably from those found in the ruins of Cilicia, Sicily, Africa, and Spain. It is very probable that the Punic differs little from the Phenician, of which it should be considered a dialect. Nevertheless, we have represented it on the table as a separate language, from reasons perfectly independent of philological classification, and which are explained in the first chapter of our work. The important part acted by the Carthaginians, in ancient history, appears to justify this distinction. A similar motive has led us to consider the Chaldean as a distinct language, and to place it in the Syriac or Aramean division, immediately after the Syriac, of which it is, in reality, only a dialect.

'At first,' says M. Martin, 'the Chaldean differed in no respect

from the Syriac. It often bears the same name in Scripture; and in more modern works, in which we meet with it, it does not differ much from the Syriac. The use made of it by the Jews, in books and ordinary life, has, however, necessarily introduced some changes into it. Yet, in works of a more ancient date, such as the *Targum of Onkeld*, and the *Talmud*, it scarcely differs at all from the pure Syriac. The Chaldee and Syriac differ not more than the Roman and the Tuscan dialects of Italy.

We have said, in the table, that the written Syriac presents scarcely any difference as respects the use of words and grammatical forms in Syriac authors of different ages and countries; for we find the same language in the books of St. Ephraim, born at Amide in the 4th century; in those of Denis of Telmahar, who lived in the 8th century; of Thomas of Maraghah; of Aderbaidjar, in the 10th century; of Gregory Abu Efaradj, born at Malathia in the 13th century: as well as in the books of the Maronites of Syria, and the Christians of St. Thomas.

As a comparison of the Nabathean words quoted by Arabic authors, with the corresponding Syriac words, demonstrates that the pretended Nabathean language, of which these authors speak so often, is merely a dialect of the Syriac, we have put it in its place, considering it as a branch of that idiom. As to the Sabean dialect, putting aside all that has been written on the subject by the learned Orientalists, Norberg, Niebuhr, and Tyschen, we have followed the researches of M. St. Martin. According to this learned Orientalist, the Sabean dialect has a very great affinity with the Chaldean of the Talmud: a considerable number of words, however, are found in it, which are not in the Syriac, nor in the rabbinical writers. It differs also from these languages by the permutation of letters, or by contractions which considerably alter the words; it contains also some Persian expressions. The name of Christians of St. John, which is given them by the Christians, on no account belongs to them; for they profess the greatest aversion for the Christians and for Jesus Christ, of whom they speak with horror. Their doctrine, which differs considerably from the Christian, Jewish, and Mohammedan religions, appears to be a mixture of the ancient Chaldean and Babylonian opinions, and the doctrines of the ancient Persians, combined with the dogmas of the Valentinians, Bardesanes, Gnostics, and Manicheans. We shall conclude these remarks on the idioms of the Syriac branch, with observing, that the language anciently spoken in Cappadocia and Cilicia may be probably classed in that branch.

According to M. St. Martin, the Pehlvi language, formerly spoken in Media, is a mixed idiom, the greater part of the words belonging to the Semitic languages, while their grammatical forms are wholly Persian. It must then be classed in the Semitic family; but, as it cannot be placed with the idioms of the Hebrew branch, nor with the Syriac, Arabic, or Abyssinian branches, we have thought it

better to class it by itself, under the name of Median, from the ancient Media, the principal seat of this idiom, which we have described according to the researches of M. St. Martin, who has been long engaged in the study of this language.

Our account of the Arabic language, and distinction of it into ancient, written, and vulgar Arabic, has been drawn up and adopted at the suggestion, and from the researches of many Orientalists.

After having attentively compared the various vocabularies that we possess of the languages comprised in the *Abyssinian* branch, we have decided on classing in this family the principal idioms spoken in Abyssinia, and for avoiding all confusion and geographical dispute, on rejecting the denomination of *Ethiopic*, generally bestowed on some of these languages, and particularly on the Gheez. Besides, these idioms being the language most generally diffused in Abyssinia, it is perfectly natural to prefer this geographical appellation to any other, certainly less suitable. It is true that the learned author of the 'Mitridates' classes the Gheez or Ethiopic, with the Semitic languages, and says, positively, that the Amharic should be classed with the African idioms.

It appears to us, however, that we cannot separate languages which have the greatest analogy to each other. One half of the words of the Amharic language are evidently Semitic, although the grammar has different forms. The Amharic is then to be regarded as a different language from the Gheez, but still to be classed with it in the same family. If this principle is not to be admitted as respects the Amharic, neither can it be admitted with respect to the Pehlvi, which unquestionably belongs, as we have seen, to the Semitic languages, as respects the words, and to the Persian, in its grammatical construction. As we think we have sufficiently demonstrated the necessity of following this method of classification, when it is sought to group different idioms together according to their affinity, we must refer our readers to the first Chapter of this Work, where they will find this reasoning fully developed. But, in order not to confound idioms with each other, which have more affinity with the Gheez than the Amharic, we have subdivided the Abyssinian branch into two secondary ones, which we have termed Axumitic and Amharic, the names of the two principal languages of that branch.

It is in the latter that we have placed the Dambean, as Ludolph positively asserts that the language, spoken in the province of that name, differs entirely from the Gheez and the Amharic. It is in this branch also that we have placed the Narean, which we could not omit, on account of its importance; but it must be confessed, that our reasons for doing so rest only on the conjectures and vague assertions found in the description of Abyssinia. But we have omitted many individual languages mentioned in the travels of

the learned Scholz; for as we have no vocabulary to compare them with each other, and know only their name, the mere mention of them would be of no utility, particularly as we have no means of classing them suitably in the table. We have however placed these, the Semian and the Arkiko, as the small number of words collected by Messrs. Scholz and Salt show their great affinity with the Amharic: the first, which has a much closer resemblance to it than the other, presents sufficient diversity in its words, to authorize us in regarding it as a sister language. The little that we know of the second, which appears to be a mixture of the Gheez and the Amharic, made it long difficult to determine in which of these branches it should be classed; but we at last decided on placing it in the second, where the reader will find it under the term Arkiko. More extensive information will either confirm our conjectures respecting this idiom, or show how far we have been mistaken.—*Atlas Ethnographique du Globe.*

MEDAL TO THE TROOPS WHO SERVED IN AVA.

To the Editor of the Oriental Herald.

SIR,—I beg leave to call your attention to a subject which is particularly interesting to all those who served in the Burman territories during the late war. On its conclusion, a General Order was promulgated by the Supreme Government of India, congratulating the troops on the fortunate termination of hostilities; thanking them for the courage, perseverance, and patience (under sufferings of no common kind) they had evinced during that protracted struggle, and promising them *that reward* which is most highly prized by soldiers, viz. a medal with a suitable device. Since the above order was issued, nothing further has been heard of the medal. We, who were engaged in the Burman war, have been constantly looking out with great anxiety for the intimation, that the medals had been prepared, and would be distributed on application.—Nothing, however, has as yet transpired, as to whether or not they are in preparation. After buoying up our hopes with the promise of this most pleasing honorary reward, surely the Indian Government means to fulfil its promise. Lord Amherst (from whom it is commonly supposed this emanated) never would have taken upon himself to say, that a medal would be given to those employed in Ava, if he had not been sure that he would be supported and enabled to redeem his pledge.

Medals are highly esteemed by native troops; they attach, deservedly, great importance to badges of distinction. The Seringapatam medal has a wonderful effect; but those who were present at the fall of Tippoo, had, I think, a much smaller claim to a reward

of this nature, than the bulk of the native troops who fought in Ava—who volunteered to leave their own country, and embark on an element for which they entertain a hereditary dread—who were necessarily obliged to change their habits—submit to great privations—risk of contamination, and loss of caste—who were engaged in a most harassing warfare for the long period of two years, and their ranks dreadfully thinned by disease; for of those who left Hindoostan for Ava, 40,000 were cut off by cholera, fever, and dysentery. The returns never were published, but this information I have from undoubted authority, viz., a gentleman employed in the Government Secretary's Office, Calcutta.

These are the claims of the Native troops. I need hardly enumerate those of the Europeans, who served in Ava; it is well known that, in action, the loss always falls heaviest on them—they get all the *hard knocks*, and are in the front of danger, in hazardous enterprises. One regiment (his Majesty's 13th Light Infantry) in the attack of Keiktoo, lost, in a quarter of an hour, eleven officers, killed and wounded; and in the space of three or four months, 2,000 Europeans were laid under the sod at Rangoon, victims to fever, &c. These are two samples of the nature of the service, and if the troops are not deserving of some better remuneration than the few rupees of Batta, which have been already given them, I cannot say much in praise of the liberality of the Honourable East India Company.

February, 1828.

A.

SONG.

Oh, summer skies are bright,
 And summer days are fair,
 Soft are the stars of summer's night,
 And sweet the breath of summer's air;—
 But fairer shine those days
 When those we love are round;
 And softest gleam the starlight rays
 That gleam upon domestic ground!

I would not change the hope
 To see my father's home,
 To trace each lane and greensward slope,
 And breast mine own Atlantic's foam,—
 No, not for all the gold
 Pizarro's barks convey'd,
 For all the Inca's mountains hold,
 Or the blue mines of Ocean shade!

Crediton.

J.

TRIAL OF CAPTAIN DILLON.

THE following is a report of the trial of Captain Dillon, who sailed some months ago from Calcutta in search of La Perouse, or such of his followers as might still be living, who, from recent information, are supposed to have been wrecked on the Malicolo islands. Doctor Robert Tytler was, at his own request, appointed by the Bengal Government to proceed with the expedition, in the capacities of surgeon and naturalist, and he accordingly did so; but at Hobart-town he left the vessel owing to alleged gross ill treatment from Captain Dillon. On landing, Doctor Tytler prosecuted Captain Dillon criminally, and thence originated the trial of which we give a report. Captain Dillon was condemned to two months' imprisonment, but this part of the sentence was remitted at the intercession of Dr. Tytler, who was unwilling that the expedition should be detained by the imprisonment of its commander. A letter addressed, by the Secretary to the Government at Hobart town, to Dr. Tytler, follows the report of the trial.

LETTER TO DR. TYTLER.

Hobart Town, Colonial Secretary's Office, 9th May, 1827.

SIR,—I am directed by the Lieutenant-Governor to acquaint you that his Excellency has read with much attention your letter of the 2nd instant, and sincerely sympathises with you in the feeling, which, as a British officer, you naturally express, at the gross violence and oppression which you have suffered from Captain Dillon, and under which you appear to have acted with very praiseworthy forbearance. It is impossible not to commend the readiness you have evinced, under these circumstances, to sacrifice every personal feeling, in forwarding the enterprise in which you were engaged. As, however, it is the opinion of those, who have witnessed the temper manifested towards you, by Captain Dillon, both on the voyage, and since he has been on the shore, that it would be positively unsafe for you to proceed, and as the object of the voyage would be retarded, rather than promoted, by dissension which probably would be renewed, his Excellency views the course upon which you have determined, of proceeding to Calcutta by the first opportunity, as the most desirable.

I am further to state, that although, from the information which the Lieutenant-Governor has obtained respecting the trial, his Excellency is led to believe, the sentence of Captain Dillon to be very mild, yet, anxious to prevent disappointment to the expectation of the Supreme Government from the expedition, his Excellency will have great pleasure in acceding to your very laudable request,—that that part of Captain Dillon's sentence which consists of impi-

sonment, may be remitted, in order that he may proceed without further interruption on his voyage.

(Signed)

J. BURNET, Sec.

INTERESTING TRIAL.

From the Hobart Town Gazette—April 28, 1827.

Captain P. Dillon, of the Honourable East India Company's ship, *Research*, was charged with assaulting and false imprisoning Dr. Robert Tytler, on board that ship on the high seas.

The Solicitor General (with whom was Mr. Pitcairn) opened the case. We much regret our limits prevent us from presenting our readers with the learned gentleman's speech verbatim. We must therefore content ourselves with the following concise, but circumstantial narrative.

Captain Dillon having gained the particulars of La Perouse, as before related in our columns, during his late voyage from Valparaiso to Calcutta, had called the attention of the public to them by frequent publications in the newspapers, recommending an expedition to the Malicolo islands. The subject did not, however, attract much serious notice, until, at a meeting of the Asiatic Society, at Calcutta, in November last, when urged by Dr. Tytler, Colonel Bryant brought it before the meeting, and the motion was so warmly seconded by Dr. Tytler, who, with a spirit of enterprise highly creditable to himself, volunteered his own services, that a resolution was passed that evening recommending the expedition. The consequence was, that the ship *Research* was fitted out for the occasion, and Captain Dillon appointed commander, and Dr. Tytler, naturalist and medical officer, with the additional duty of keeping a separate journal of all occurrences connected with the main object of the expedition. The instructions to Captain Dillon also enjoined him to afford every assistance in his power to Dr. Tytler in his scientific researches, and (to secure accuracy in the position of the ship) to furnish him, in writing, at noon each day, with the latitude and longitude, and at all intermediate times when required. Government, still farther to ensure the objects of the voyage, had instructed the Asiatic Society to communicate with Dr. Tytler on the subject, and the letter of Dr. Wilson, the Secretary to the Society, was read among the other documents by the Solicitor General. After alluding to the supposed places of the wrecks of La Perouse, it suggested the probability of some of the medals, distributed by him, being found—it advised the taking of drawings of the Natives and casts of their heads—the collecting of vocabularies of the languages, arranged upon the plan of Sir James Mackintosh—to note the manners and practices of the people—the form and position of the coasts—to observe any traces of volcanic origin; and, in a word, to remark and collect specimens of the zoology, botany and mineralogy, of the several islands they might touch at.

About a month before the sailing of the ship, Captain Dillon had

been attacked with apoplexy, attended with delirium, from which he was mainly recovered by the attention of Dr. Tytler, who took from him thirty ounces of blood. He had formerly had a similar attack at Valparaiso, and also at Calcutta, about three months before. The violent determination of blood to the head threatened sanguineous or serous apoplexy. It affected him with a sort of phrenzy, during the influence of which he supposed that Dr. Tytler was going to poison him. The Marine Board at Calcutta inquired into the particulars of the complaint, and Dr. Tytler gave it as his opinion, that, though Captain Dillon might be liable to be attacked by it under the vertical rays of the sun when among the islands, it was likely to be but temporary, and not such as to interrupt the progress of the expedition. Some little misunderstanding also arose respecting the victualling of Dr. Tytler's son, and also of Leonard Helmick, assistant apothecary. It appeared, however, amicably adjusted by reference to the Marine Board before the vessel left Diamond harbour, and every thing went on smoothly until the demand was made by Dr. Tytler for the latitude and longitude of the ship, signed as recorder of proceedings, which gave great offence to Captain Dillon. It was on the 26th of January that he sent Dr. Tytler a very outrageous letter, containing expressions which it would be improper to put in print, and accusing him of exciting mutiny in the ship, warning him that he had not the officers of the Commissariat to play with, or the mouldering bones of the late Sir David Ochterlony to ridicule. Dr. Tytler's evidence went on to state, that—

‘ On reading Captain Dillon's letter, accusing me of mutiny, I considered that it showed lunacy in every line. My impression then was that he was becoming perfectly deranged, and differently affected from his state of delirium at Calcutta. I wrote him an answer with a determination not to give offence. I considered him as a patient.

‘ On the 27th of February, I heard a violent altercation between Mr. Dudman (2nd officer) and Mr. Blake. Dudman ran to Captain Dillon, who came out of his cabin, and taking off his Manilla straw hat, gave me a violent blow on the shoulder, saying, I arrest you in name of his Britannic Majesty, and seizing me very forcibly by the arm, shoved me before him into my cabin, saying, “ Go in, and consider yourself a prisoner.” Mr. Blake and Martin Buchart afterwards came into my cabin and took away my fire-arms and sword. I continued in my cabin from the 27th of February to the 14th of March. Armed savages were placed as sentries at Captain Dillon's door, and used to sit on an arm-chest at my door, and keep me in a continual state of alarm. They had been drilled as marines, but never placed as sentries until the 27th of February. On the 14th of March I was requested to attend the sick in the ship, which I did. On the 21st I wrote to Captain Dillon on the state of my health, and requested to be allowed to go on shore at Van Dieman's and.’ Captain Dillon's reply was here put in, refusing the request,

and adding, that he had charges of a civil and criminal nature to prefer against Dr. Tytler, before a British Court of Justice. 'On the 31st March, about three A. M., it was blowing a gale. I heard Captain Dillon say—"How quiet the ship is, all the people are asleep, it is wonderful—except the Doctor; poor man, he looks very ill, I really feel for him." The time, the state of the elements, and the circumstances altogether, produced an impression which I shall never forget. I went up to him, and said—"Captain Dillon, if these are your sentiments, here is my hand, and I give it you with all my heart." "No, Sir," said he, "had I known you were there, I would not have said it."

An entry from Captain Dillon's private journal was read, stating the determination of Morgan M'Murrah* to grill and eat Dr. Tytler on the arrival of the ship at New Zealand, from which he was diverted, by being reminded that Dr. Tytler wore a red coat like his friend Lord Combermere. Dr. Tytler also underwent a long cross-examination as to his having said, that Captain Dillon's frequently picking up the carpenter's chips, and other small pieces of wood on deck, indicated that aberration of mind, called by physicians *venatio floccorum*, or a hunting after straws and little particles.

'On the 28th, the New Zealand prince dined with us. I asked him to drink wine. Captain Dillon, touching him on the arm, said something to him, and he refused me with an angry look. The ship was going on very well, and I observed, "We shall see how she will do among the rocks of Tucopia." I said it in allusion to Commodore Hayes's words at Calcutta, that she was only fit for a rice hulk—that she might run to Hobart-town, but would not do for the rocks and reefs of Tucopia. I wished rather to defend the ship. She is an armed ship, but sails with a register and the Company's pass, and has a port clearance. Captain Dillon started up in a passion, and said, "People talk about ships who know only about gallipots." He had made use of threatening expressions daily after leaving the Bengal pilot. On my sending the receipt, signed as recorder of proceedings, I heard him exclaiming, that he had a mutinous villain on board. I wrote a second receipt, with the words added verbatim from my instructions, in order to pacify him. On receiving it, he became perfectly frantic. He called to the gunner to bring his blanderbuss—that there was a mutinous scoundrel in my cabin—ordered him to bring me out—to lash me to the capstan, and to give me five dozen lashes. I said, "Captain Dillon, there is no occasion for all this violence—I have hitherto obeyed your orders, and will do so now." I then wrote a third receipt, signed simply with my name. I wrote with the same feeling as I would give my purse to a highwayman, and not voluntarily, because I thought my life in danger, and I considered I resigned my situation in the ship. On receiving the third receipt, he exclaimed—"You villain, why did you

* A New Zealand savage, so baptized.—Editor 'Singapore Chronicle.'

not send this at first? If you dare again to repeat the conduct you used to day at table, I will try you by a drum-head court-martial." I saw Captain Dillon go into the cuddy, and take some ball cartridges out of a pouch, and that circumstance determined me to write the letter to Mr. Blake, the chief officer of the ship, which I did.' (This letter contained Dr. Tytler's opinion of Captain Dillon's state of mind. The communication had been made officially, but confidentially, and it did not come to the knowledge of Captain Dillon till a month after.)

Dr. Tytler having undergone a long cross-examination, several other witnesses were called in confirmation of the facts, which he had stated. On Saturday morning, the counsel for the defence addressed the jury at considerable length. In alluding to Dr. Tytler's observations upon the vessel, which had given offence to Captain Dillon, the counsel chose to designate it 'dastardly conduct,' upon which Dr. Tytler left the court, and did not return during the remainder of the trial.

Mr. Dudman, the second officer of the ship, was the principal evidence on which the defence rested. It appeared, that the same day on which he informed Captain Dillon of the letter which Dr. Tytler had written a month before, regarding his state of health, he had a quarrel with Mr. Blake the first officer, upon which occasion he told him, it was all a mutiny, fore and aft the ship.

CHIEF JUSTICE.—Did you believe there was a mutiny on board that ship?

MR. DUDMAN.—Yes, I believe there was a mutiny growing at that time.

CHIEF JUSTICE. What were your reasons?

MR. DUDMAN.—I frequently observed Dr. Tytler talking privately to the officers of the ship, and also to the men at the wheel. I never endeavoured to ascertain what Dr. Tytler said to them. I do not know what their conversation was. When Dr. Tytler visited the sick, I frequently went round with him, by Captain Dillon's orders, to see that he had no evil communication with the ship's company. This witness went so far as to say, that knowing Dr Tytler had written the letter which he did, respecting Captain Dillon's health, he considered his life was in his hands, that he should have been strung up to the yard-arm, and that he believed himself to be the only friend that Captain Dillon had on board.

During the cross-examination, the following passages from Captain Dillon's private journal were produced in court.

'Jan. 25. The Doctor favoured me with another long letter to-day, which is hereafter copied. I had not time to reply to it, but mentioned to my New Zealand friends, that the Doctor wished to converse with them. They asked me on what subject. I said I did not know. They replied, "We have seen the Doctor abuse you very

much at Diamond harbour; you are our friend and protector, you brought us from our native country over a sea three months long, (meaning the length of the voyage from New Zealand,) and have victualled and clothed us. You have also loaded us with presents to take to our country. You are the relation of our fathers and friends in New Zealand. We are therefore directed by our god to fight for you. Those men that are not your friends, cannot be ours. We will not speak to the Doctor. We will kill and eat him, if he lands in our country." On hearing this plain statement from these gentlemen, I did not wish to force them to converse with the Doctor, knowing it to be useless. I at the same time recommended, for the sake of the New Zealand god, and all my friends and relations in their country, on no account to molest the Doctor.

'The prince * paid a little attention to this remonstrance. His Excellency Morgan M' Murrah was inflexible in his resolution, and openly declared, that it was his intention to have the poor Doctor grilled, as an entertainment for his numerous wives and friends, the first opportunity that offered, after his arrival in the river Thames. I am therefore determined the Doctor shall not land in New Zealand. I would not mention this conversation, was it not that I wish to show men in civilized life, what the poor uncultivated savages of New Zealand are capable of doing, and how far susceptible they are of remembering favours received.

'Jan. 28. I then asked what he meant by ridiculing the ship in the way that he did—if it was his intention to deter the young officers and every person on board from proceeding on the voyage, or if he intended to breed a mutiny in the ship, so as to cause her return to Calcutta. He replied, that he heard those reports from Commodore Hayes and Captain Crawford; I replied, that this was no excuse for his mutinous conduct, and if he persisted in acting thus, that I would bring him to the capstan, and have him flogged with five dozen, or put him in double irons. This plain unvarnished declaration of mine had a much better effect than if I had written a ream of paper into letters. The Doctor promised to be a good boy, and to play no more naughty tricks; upon which I withdrew from the cuddy.'

We much regret that our limits forbid us from giving any part of the Solicitor General's eloquent reply, or of the very lucid and instructive charge of his Honour the Chief Justice. The Jury retired for an hour and a half, and returned a verdict of guilty on the 4th Count only, which contained the assault on the 27th of February, and imprisonment for fourteen days. They added their opinion, that Doctor Tytler had not exercised sufficient caution, inasmuch as he spoke of subjects which were disagreeable to Captain Dillon.

* Another New Zealander, who, with his Excellency Morgan M' Murrah, had visited Calcutta.—Editor 'Singapore Chronicle.'

The Solicitor General prayed the judgment of the Court upon Captain Dillon, who appeared upon the recognizance he had entered into on Saturday. His honour the Chief Justice then addressed the defendant, and commenting on the part which Mr. Dudman had chosen to take in the affair, observed that Dr. Tytler had acted upon the occasion with great prudence and discretion. 'It is of so much importance,' continued his Honour, 'not only to masters of ships, but to passengers and others under their control, to have it well understood what are the real powers of the master, that I shall take this opportunity of again mentioning the doctrine laid down upon the subject by Lord Chief Justice Abbot, in his work on shipping, in the passages which I read to the jury on the trial. I should be the last person to say any thing to diminish the due or proper authority of the commander of a ship. But it is fit that you and others should learn, that great as this power is, it is not "despotic" but one which is to be exercised with caution, moderation and justice. Lord Chief Justice Abbot says: By the common law, the master has authority over all the mariners on board the ship, and it is their duty to obey his commands in all lawful matters relating to the ship, and the preservation of good order. In case of disobedience or disorderly conduct, he may lawfully correct them in a reasonable manner; his authority in this respect being analogous to that of a parent over his child, or of a master over his apprentice or scholar. Such an authority is absolutely necessary to the safety of the ship, and of the lives of the persons on board. But it behoves the master to be very careful in the exercise of it, and not to make this parental power a pretext for cruelty and oppression. He also states that the master should, except in cases requiring his immediate interposition, take the advice of the person next below him in authority; as well to prevent the operation of passion in his own breast, as to secure wisdom to the propriety of his conduct. Now with respect to this, if a seaman were to be guilty in presence of the crew, of open violence or other offence requiring immediate interposition, perhaps the master might be justified, from the necessity of the case, in awarding punishment. But even in such a case, he could not, I apprehend, be justified in inflicting punishment, without hearing the party in his defence, for that would be contrary to the plainest principles of justice. It seems clear, however, that the offences of revolt or attempt to excite one, (which are by a particular statute made "capital felonies,") could not be punished by the master; for these being specific crimes, the offender should be arrested merely, for the purpose of being handed over to a proper legal tribunal.'

His Honour went on to comment on the testimony of Dudman, whose conduct, if it was not most weak, had been most wicked. If Captain Dillon had made inquiry when he told him of the letter, Mr. Blake would have informed him that no such thing as mutiny could be pretended. It was evident that provocation from Dr. Tytler, if any, was of the most remote nature. From the time of the receipt being sent on the 28th of January, nothing like a dispute

took place, and it would be going too far to say, that Captain Dillon could have been influenced, on the 27th of February, by any recollection of such an occurrence. 'I fear,' said his Honour, 'that I must come to the conclusion, that from the commencement you entertained a violent dislike to Dr. Tytler. As to the bad sailing of the ship, it was a common topic of conversation, and it does not appear that you ever quarrelled with any individual about it, except Dr. Tytler alone. How Dr. Tytler, after your outrageous ebullition of feeling on the 28th January, could write any other letter than he did, I cannot conceive. I have, however, nothing to do with what then took place. I shall confine myself to the arrest and its attendant aggravations, bearing in mind that that arrest was not committed with violence.'

'Nevertheless, it is proper, Captain Dillon, that you should be made to feel, that the power given to masters of ships, is one conferred on them for promoting the general interests committed to their care, and not one to be exercised by them for the redress of their own wrongs, or the gratification of their own resentments. Taking the whole circumstances of the case into consideration, I can come to no other conclusion than that your conduct towards this gentleman has been very oppressive, and it is my duty to mark it accordingly.' His Honour the Chief Justice then gave judgment,—That Captain Dillon be committed to the custody of the Sheriff for two calendar months, pay a fine of 50*l.* to the King, and enter into a recognizance, himself in 200*l.*, and two sureties in 100*l.* each, to keep the peace towards Doctor Tytler for twelve months.

L I N E S

Written amongst the Jura Mountains, just after hearing of the Death of Mr. Canning.

POPLAR methinks, as now I turn my ear
 To list the sighing sound amid thy leaves,
 As from the hills far off—anon—now near,
 It comes by fits, thy trembling limbs it heaves;
 Methinks thy voice sobs like a mourner's, when,
 Solemn and sad, it breaks from yonder glen:
 Heard in Mount Jura, in her woods, the vale,
 Which saddens, like Britannia, at the tale:
 'Canning's no more!'—upon whose gifted tongue,
 Applauding senates rapturously hung.
 Mourn it, ye mountains, where his spirit roams;
 Raise high your voices in your rocky homes:
 Let every hill, and those most near the sky,
 Too near for man, to Jura's voice reply;
 Each vine-clad valley, let it catch the strain;
 Erin's far isle, reverberate again:
 For gone is he who would have broke thy chain!

August, 1827.

SUPPRESSION OF THE PRINCE OF WALES' ISLAND GAZETTE.

WE are sorry to find, from the following notice, that the Proprietor of the *Prince of Wales' Island Gazette* has discontinued the publication of that paper. As a labourer in the same calling, we sympathise with our contemporary, and regret the existence of any circumstances that should render the step, which he has taken, necessary. The 'Gazette', we believe, has uniformly supported the measures of Government, or, at all events, its course, as relates to the higher powers, has been a most inoffensive one; it is nevertheless, however, rumoured that Government have suppressed the paper. The thing, however, is too improbable to be believed; for, putting the tone and tenor of the paper out of the question, wherever a Censorship exists, (as it does at Penang,) the responsibility of the Editor ceases, and Government, if any thing displeasing is published, must look to their own officer; besides, if the paper had come to an untimely end, by the act of Government, what should have prevented the Proprietor from plainly saying so?

NOTICE.—The Proprietor and Publisher of the "Prince of Wales' Island Gazette" respectfully announces to the Subscribers and the Public, that circumstances compel him to discontinue the publication of the "Gazette," and takes this occasion to return his grateful thanks, for the liberal support and patronage afforded to that Establishment, during a period of twenty-two years.

'Prince of Wales' Island, the 4th August, 1827.'

Since writing our preface to this notice, we have received the Government circular, which appears in a preceding column, and also private intelligence, which in some degree removes the 'thick darkness' which enveloped the case of our Penang contemporary. It appears that the paper actually has been suppressed, in consequence of an article which appeared in it, some three months ago, relative to the Siamese treaty, which has given umbrage to the Government in Bengal, and at its instance the paper has been crushed. We state a matter of fact, but as the Censorship will henceforth press more heavily on us than hitherto, we can add no comment, an inability which we the less regret, as many of our readers will be of opinion that no comment is required.—*Singapore Chronicle*.

LETTER OF GENERAL NEWS FROM MADRAS.

To the Editor of the Oriental Herald.

SIR,

Madras, September 1, 1827.

NOTHING very particular has occurred during the by-gone month. The acting Governor, Mr. Graeme, continues to administer the affairs of this Presidency, by following the footsteps of his predecessor ; indeed, surrounded as he is by the Secretaries and other members of Government, there is little or nothing to do—like a machine, the duties of all departments are moving on in the ordinary way. On the arrival of our new Governor, Mr. Lushington, it is expected various local changes will take place ; indeed, it is in the nature of man to prefer his own projects to those of any others. There is a degree of pleasure, of self-gratification, in striking off from the beaten path, and rambling in the untrodden paths of speculation and experiment : hence we may account for the diversity of policy, by which the administrations of various Governors have been contra-distinguished. It is reported here, that several old civil servants, who were obnoxious to our late Governor, and have been in England for some years, are returning with Mr. Lushington, with assurances of being employed in high confidential situations. Some of these gentlemen were treated in a rather unhandsome manner previously to their leaving India, and a very strong sensation prevailed here, arising from the treatment experienced by these individuals.

I must not omit to mention to you, that our present acting Governor, like the rest of mankind, has been doing what he can to further the views of his friends while his day of power lasts ; and no one would blame him for doing so, were he to abide within the usual bounds. But when we see situations cut and carved out on purpose to favour certain persons, it is impossible to avoid noticing it. This has recently been done by Mr. Graeme ; he had a brother who came out a few months ago as a Chaplain on this establishment, and he was appointed to the station of St. Thomas's Mount, within a few miles of Madras ; but the poor man really seemed to have mistaken his trade, for, after officiating a few Sundays, his congregation all deserted him. He has neither address nor delivery, and is withal the most indifferent pillar of the Church the Honourable Company have yet sent hither. Finding himself so much disliked, he very naturally wished to change his station ; and I am informed, that being in a large company, the very day after his brother was nominated acting Governor, he made a boast that he would soon now get removed to one of the best stations on the establishment ; and he assuredly has : for, by a Government-order of the 14th of August, he

is appointed as junior Chaplain at Bangalore, an appointment that never before existed, and was totally unnecessary. The present Chaplain has been there for about seven years, and is an active popular man, perfectly competent to all the duties there required of him. The styling one Chaplain 'junior' is quite a farce; they are both paid exactly alike, and there is no money, house, or any other privilege to the one more than to the other. This appointment of two Chaplains to Bangalore, is the more noticed from the circumstance of there being stations destitute of one. Even Mysore, and Seringapatam, within 80 miles of Bangalore, where there is a Resident and many Europeans, are without a Chaplain; but then it is not so *gay* or *fine* a place as Bangalore.

I must not omit to mention to you a rather novel scheme, at least it appears so in this country; but we suppose our acting Governor has had it recommended by his brother, the Chaplain; that is, the erection of charity-boxes at every church door, I mean every church frequented by Europeans, and supported by Government. The boxes are, I hear, now preparing in the Arsenal of Fort St. George, made of strong materials, with two locks to each, and a slit on the top large enough to admit coins of the size of a dollar. I understand they are to be placed at the church doors every Sunday, and on other days on which service takes place, in order that all may have it in their power to contribute. The fund is to be styled *Graeme's Charity*, and its object is said to be the support of Native Christians, a class certainly in want of some aid, but I doubt if at all deserving, being merely the outcasts from all castes, and seldom possessing either virtue or honesty, notwithstanding the representations of the numerous Missionaries now spread over the Peninsula, of whom in a future letter I will give you some account, and I will also let you know how the Charity-boxes come on.

Major W. Ormsby, of the 50th regiment of Native Infantry, who has been for years past Superintendent of Police here, (notwithstanding several sharp letters from Leadenhall-street, reflecting on the appointment as being incompatible with the duties of a Field Officer,) left this a short time since, on a voyage to China, accompanied by his lady. His situation has been filled up by Edward Elliot, Esq., a son of the Right Honourable Hugh Elliot, who was Governor here from 1814 till 1820. During the latter part of his father's government, he was in this country and held the situation of a Commissioner in the petty court here; he is also, I understand, a half-pay Lieutenant of the Royal Engineers. On his father's return to England, or soon after, he also left India, and report here says, he has been sent out from the Court of Directors for the express purpose of filling the situation he has now assumed. Be this as it may, he has commenced by overturning and upsetting a great many old regulations, which were worse than useless, in

fact nuisances; and in their room he has established an excellent system, satisfactory to the inhabitants, but striking terror and dismay into the minds of a set of swindlers and rogues, by whom the inhabitants have long been oppressed and imposed upon.

I do not mean to reflect on the late Superintendent; far from it. He is universally allowed to be a man of great talent and erudition, but of little judgment; at least, if we may form an opinion from many of his decisions. He had nearly done away the system of corporal punishment, and laid on fines for every offence. This, on the score of humanity, appeared judicious; but it led to the commission of many offences, as the perpetrators found they could always escape on paying a few rupees. I might mention several instances that have occurred, since Mr. E. came into power, in which old offenders were, on conviction, awarded a few dozen stripes, against which they loudly cried out, and begged to be fined as on former occasions; but the Superintendent would not hear of it, although strongly entreated by the half-cast manager who *'bears the bag'*, and was always remarked for his activity in enacting fines in preference to any other mode of punishing transgressors. Mr. E. has also adopted several beneficial rules, which were sadly wanting, for detecting the police peons, when guilty of improper conduct.

A considerable number of years since, a very wealthy Armenian died here and left an immense fortune, which he bequeathed by will to his two sons and one daughter; except a sum amounting to several lacs of rupees, which he directed to be applied to different charitable purposes mentioned in his will. His two sons were executors of his will; and, after paying the portion left to their sister, each of them received about twenty-five lacs of rupees. The old father had particularly pointed out in his will, that it was his earnest desire that neither of his sons should enter into any speculations or mercantile dealings, but live upon the interest of their money, which would afford them a very handsome income. One of them went to Europe with his family, resided a short time in England, then went to the Continent, spent some years there, and returned hither a few months ago. The other brother remained here, and has been carrying on a kind of private bank, discounting bills, lending money on mortgage of lands, houses and jewels, but always at a large rate of interest, from twelve to twenty per cent., by which means he has accumulated great riches.

A. B.

GENERAL LETTER OF NEWS FROM MADRAS.

To the Editor of the Oriental Herald.

SIR,

Madras, October 12, 1827.

Lieutenant-Colonel Read, Deputy Quarter-Master General of his Majesty's Forces on this establishment, died lately, much regretted; he is succeeded by a Captain Sydney Cotton, of his Majesty's 3d regiment of foot, (Bufs,) a nephew of Lord Combermere, on whose staff he has been for some time past.

The late hot season has been remarkably healthy here: rain continued to fall every month. I understand that from the abundant crops, and other favourable local causes, grain, and every description of food and provision, and at present every necessary of life of this country's production, are more plentiful, and fully cheaper, than they have been during the last fifty years, and this Presidency may be pronounced in a state of great prosperity, compared with former times.

The arrival of Mr. Lushington, our new Governor, is hourly, and by many, anxiously looked for. Our acting Governor, Mr. Greame, has had no public opportunity of exhibiting his abilities or displaying his talents; matters keep moving on in a smooth steady way, seldom a ruffling breeze in the stream, although report now and then tells of a little acrimony in Council, relative to the distribution of the loaves and fishes. A keen contest of this nature is said recently to have taken place, consequent to some arrangements amongst the higher branches of the medical department. The situation of Secretary to the Medical Board becomes vacant, and it is to be given, it is said, to a favourite of Mr. Greame's, an individual deservedly esteemed for his professional talents, and in high repute at the Presidency. But that Mr. Greame's Governorship may not pass into obscurity without leaving some memento, he has established a Tea and Sugar Department, for the use of the European branch of the army—it is to be under the control of the Commissariat—I send you a copy of the General Order issued on the occasion.

* General Order.—By his Excellency the Commander-in-Chief.

* Head-Quarters, Choultry Plain, 25th Sept. 1827.

'UNDER the authority of Government, and with a view, if practicable, to ensure to his Majesty's, and the Honourable Company's, European troops on this establishment, a constant supply of tea and sugar of good quality, the Commander-in-chief is pleased to direct that the issue of these articles be made by the Commissariat Department for payment.

'Officers commanding European corps of his Majesty's and the Honourable Company's service, &c., are, therefore, directed to forward an
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estimate to the Commissary-General, annually, in the month of January, of the probable quantity of Sonchong tea and sugar that will be required by their corps for twelve months, commencing in the following January.

‘These supplies are to be issued monthly, on indent, to the quartermasters of Regiments, &c., and payment for them to be made in the monthly abstracts through the Pay Department, as is observed in all supplies of provisions obtained through the Commissariat.

(Signed)

‘T. H. S. CONWAY,

‘Adjutant-General of the Army.’

No doubt a handsome profit will be made on this, as well as on the selling of arrack to the European soldiery. The gentlemen of the Commissariat Department, are already anticipating tea and sugar *gratis*, for their own use; and the Company's Native servants are calculating that they will make as much by this as by supplying horse gram to the army.

Great anxiety prevails here for the arrival of the Honourable Company's ship, *Warren Hastings*, which left England early in May—her consorts arrived several weeks ago; she is said to have gone into the Isle of France for water and other supplies—she has a large body of recruits on board, for his Majesty's regiments on this coast, and a good many passengers.

Major-General Nicolls, commanding the northern division of this army, has obtained leave of absence to proceed to Calcutta; it is reported he is to be employed on the staff there, and that the gallant Sir Archibald Campbell is to come from the scene of his former glories, where he now commands, to the staff of this Presidency, in room of General Nicolls. Sir Archy is said to be heartily tired and sick of Burmah; however, Government thinks it prudent to keep him there until he has received the complete fulfillment of the treaty entered into between him and his golden-footed Majesty.

Several vessels have recently arrived here from our new settlements on the Tannassarim coast, and in general report that the country ceded to us is very far from being a desirable acquisition: the Europeans, viz. his Majesty's 45th regiment and Madras artillery, are said to suffer many privations. Officers with whom I have conversed, lately returned from thence, speak very unfavourably of it, and all agree that it will be many years ere the revenue will defray the expenses.

Our new Superintendant of Police continues his exertions for the improvement of all branches under his controul, and is evidently doing much good; report says he makes nightly perambulations about Black Town and its neighbourhood, where he has succeeded in detecting many gambling houses, and other improper places of resort, which he speedily exterminates. An act which he has just performed, has gained him great credit; that is, having discovered the perpetrators of a horrid murder that was committed here some months ago, on the body of a European widow, named Bennet, who

kept a tavern; she was found strangled in her bed, and her house completely plundered; great exertions were said to have been made at the time, by the former Superintendent, but no clue could then be found to lead to any discovery. Mr. Elliott, our present Superintendent, has, however, effected it; and the murderers turn out to be the native butler and other servants of the unfortunate woman; they are all now in custody, and the proof is said to be very strong; their trial will take place at the ensuing Sessions.

The Superintendent has also done a considerable deal of good in respect to the cleaning of the streets; it had long been the custom for the inhabitants to throw all filth outside of their doors, where it lay until removed by the scavengers' carts that came round, sometimes once in two or three days. Now, no filth is allowed to be thrown out into the streets; the scavengers' carts come regularly round twice every day, and the bullocks drawing them, having bells attached to their necks, are readily heard by the inmates, who then empty their baskets into the carts. Notice was recently given, warning all owners of pigs or poultry, to keep them off the public streets, as, in former times, they were a sad nuisance, often frightening horses, and impeding carriages, besides creating a continual dirt and stench; all of which is now removed, as the police peons shew no quarter, either to the quadrupeds or winged animals. Another improvement attempted by the Superintendent, but which seems more difficult to enforce, is, preventing the Natives from obeying the calls of nature in the streets or public roads, a custom that has prevailed time out of mind; however, the police peons are endeavouring to do it away, and neither the excuse of sudden impulse, or any other, will shield the unlucky culprit from receiving one dozen stripes, or forfeiting half a rupee: my poor cook, in coming home from the market the other morning, happened to fall into the clutches of those guardians of public decency, one of whom declared he caught him in the very act; the poor knight of the spit and gridiron, in his defence said, that he had only stooped down to tie the feet of a refractory fowl, but he was found guilty on the evidence of the half-caste manager at the police office, who stated that he happened to be passing at the very time, and saw the vile transgressor.

An edict has been issued against a rather curious nuisance; there is to be met with at every crook or turning, in Black Town, and often on the road-sides in the vicinity, groups of Natives, sitting in clusters, generally with their heads in each other's laps; to a stranger they appear examining the skull with all the science of a keen phrenologist, but the fact is, they are clearing each other's heads of troublesome visitors. The police peons are ordered to seize every one found at this amusement, and carry them to the nearest catchery or tannah, where the head of the offender is to be shaved; this, it is expected, will produce the desired effect,

War has also been declared against the bugs, an insect completely domesticated here (Dr. Gilchrist mentions in one of his works that they may be seen in heaps all about Madras). I have not heard whether these unfortunates are to be snared, entrapped, or hunted down; the Superintendent of police will, no doubt, discover some method of destroying them, for which he will deservedly merit the thanks of the Madras community.

Part of the army of this Presidency is again in motion in the southern Maharatta country, or rather the Dooab. A refractory chief, the Rajah of Kolapore, who has, on various recent occasions, caused a little trouble, has now, it is said, collected between twelve and fifteen thousand men, amongst whom are about three thousand Arabs; and although the neighbouring Rajahs of Satarah and Napaunee have always shewed the most friendly disposition towards the British, still, with the recollection of the occurrences at Kittoe, in this same quarter, in 1824, when Mr. Thackery, Captain Black, and many others fell through the perfidy of that petty Rajah, prompt and decisive measures are deemed prudent. The Kolapore Rajah, it is said, has already committed several depredations on the Honourable Company's territories, as well as on the Rajah of Sattarah; his present ostensible reason for collecting troops is, that he wishes to visit the celebrated temple of Dewee Bhomanee at Tooljapore in the Nizam's dominions, but our Government have refused to allow him to proceed thence, alleging as a reason, his very insolent and suspicious conduct when allowed last year to proceed to the neighbourhood of Poonah, to a famed place of Hindoo worship, named Joojizy.

The force assembled, during last month in this quarter, encamped at a place named Kotabaugy, and consists of his Majesty's 41st Regiment of Foot, the Bombay European Regiment, part of the Madras horse and foot Artillery, the 4th and 7th regiments of Madras Native Cavalry, and the 23d, 44th, and 49th regiments of Madras Native Infantry, and a few pioneers, the whole under the command of Colonel James Welsh, an experienced and brave officer of the Madras Army, who distinguished himself at Travancore in 1809, as well as on other occasions. Mr. Elphinstone, the Governor of Bombay, has heretofore treated this Kolapore Chief with great lenity and forbearance; but it is supposed now he will no longer bear with him; a very considerable force from Bombay are to be in readiness to co-operate with Colonel Welsh, which has already moved from Poonah in the direction of Kolapore. Mr. Nisbet of the Madras Civil Service is also with the force as a Commissioner; but it is said the offending Rajah has treated his communications with silent contempt.

What you said in some of your late Numbers, respecting the barristers, attornies, and others, practising in the Supreme Court here, has had great effect. The Editor of the 'Madras Courier,'

with all his legal knowledge, has not ventured to write a single line in reply to the statements exhibiting the impositions carried on by the profession, of which he is a member; but he endeavours, indirectly, to bring obloquy on the 'Oriental Herald,' by copying from the papers of the other Presidencies, any letters or communications that may be of a hostile nature towards that publication.

You must have had some experience of the practices of courts of law, in your late suits, but I hope you have now done with them. I pity, most heartily, every one who is obliged to enter them for redress. It is generally allowed here, that what has been set forth in your pages on this subject, is far short of the extent to which things are really carried; the truth is, that though amongst the members of the profession, some men of high principles may be found, the generality are men who can, and do espouse, any side of a question for which they are first feed or retained. Can strictly honourable and high-minded men do this?

The business of the Court is much fallen off of late; the fourth Term ended on the 2d instant, and I am informed not one fresh cause was entered for trial throughout the Term—a convincing proof that the public have learned from experience, how much better it is to keep clear of courts than to enter them.

A friend of mine here, had a youth who came out as a Cadet of Infantry, recommended to him—he was the son of a General Officer in his Majesty's service; unfortunately, the young gentleman got into the debt of a European tailor here, who came to this place from New South Wales. The debt due to this tailor, was much under the sum recoverable in the Commissioners' Court, instituted for the cognizance of small debts; however, an attorney was found who readily took it in hand, raised an action in the Supreme Court, and obtained a writ of *Capias* against the youth, who was instantly arrested, and lodged in jail; as soon as my friend heard of it, he, with some of the young man's brother-officers, raised the money, and got him released.

The attorney's bill, in this case, exceeded, very considerably, the amount of the original debt. I took the trouble of comparing the charges in it with a table, published in the Madras Almanac, entitled, 'Table of Fees for the Supreme Court of Judicature at Madras.' I found every charge doubled, and some trebled, from what was laid down in this table; thus, for writing a letter of demand, three and a half rupees is fixed in the table; but, in the attorney's bill, it is charged ten and a half rupees! and every other item is similarly treated, down to the Sheriff's fee for a release; for I find he is entitled to receive one rupee and two annas, for discharging a debtor from custody; but the young gentleman before-mentioned, had to pay three and a quarter rupees before he was allowed to leave the gaol.

Madras, 16th October, 1827.

Having written you so very recently, I hardly think any thing I can now offer you will be worthy postage; the ship, *James Sibbald*, sails this evening, positively the last ship before the setting in of the Moonsoon. The *David Scot*, by which I wrote you fully, sailed on Saturday last, the 13th; both of these ships have a good many passengers from this. The Criminal Sessions finished on the 13th, having taken a week to go through the cases, which were more numerous than they have been for a length of time past. Twenty-five criminals were brought forward;—six men, and a Native woman, were accused of the murder of Mr. Bennet, (before referred to;) but the trial, which occupied the Court from 10 in the morning until eight o'clock at night, ended in the conviction of the deceased's native butler, a wretch who had accused all the others. Sentence of death was passed upon him, and he was executed with every mark of infamy on the third morning after. A large pit was dug under the gallows, and his body tumbled into it, after being suspended for an hour. A very great concourse of Natives attended the execution, and it is to be hoped it will have a good effect.

Numerous alterations have recently been made in the medical department of this Presidency, amongst others, altering the designation of some of the inferior servants. The class formerly denominated Sub-Assistant Surgeons, are now styled apothecaries, and after them we have second apothecaries, medical apprentices, native dressers, and medical pupils. These, particularly the apothecaries, are often sent in charge of small detachments of troops, proceeding from one station to another, where it may not be thought necessary to send an Assistant Surgeon. Many of them are young men of considerable ability, Europeans who have got a slight knowledge of the healing art at home; but many, from unfortunate causes, have been obliged to renounce their studies, and come out here as recruits. There is a very considerable allowance from Government to all officers, when in medical charge of any detachment; and these young men who have recently been appointed to the situation of apothecaries, were flattering themselves with it, when the inclosed General Order put a sad damp upon their prospects.

' General Order.—By Government.

Port St. George, 5th Oct. 1827.

' The Honourable the Governor in Council is pleased to direct, that when a non-commissioned medical servant, is placed in an independent medical charge, he shall receive only half the rate of allowance for medical supply, to which a commissioned medical officer is entitled.

' By order of the Honourable the Governor in Council.

(Signed)

' R. CLIVE,

' Secretary to Government.

It would appear from this, that non-commissioned medical servants are allowed to receive only half the medical allowance given to commissioned officers for any detachment they may have charge of, though the latter has four times as much pay as the former.

No tidings yet of our new Governor ; all are on the tip-toe of expectation. A few weeks will clear up all the expectations as to the effect of his arrival among us, of which you shall have ample tidings.* The flag-staff of Fort St. George was half struck yesterday, the 15th; the 25th, it will be fully struck; the rains have already set in.

C. D.

EXTRACTS FROM A GENERAL LETTER OF NEWS FROM BENGAL.

SIR C. METCALFE is appointed a Member of the Bengal Council, vice Harrington, who has gone from hence to China in the *Repulse*, without I believe carrying one single good wish or regret with him,—public or private,—unless it be those of his relatives and connections, for whom he was always ready and eager to get good things. If the adulations of this obsequious community were of any real value in the eyes of independent and honest men, or formed the slightest test of real public desert or private merit, it would be some satisfaction to see this 'Old Rapid,' as he has been happily called, departing without the customary *ko-tou*. There is hardly an instance on record, of a Member of Council embarking for England without this worthless farce of a complimentary address, or a dinner. It would seem, however, that there may be personages, even among Indian rulers, too ludicrously contemptible for any one to have face enough to be the mover of a compliment to them at parting! I speak of this old man, from no personal knowledge of him, but from universal report and opinion. In Leadenhall Street he will have the merit of apostasy from his old principles, about 'Conversion of the Natives,' and 'Abolition of Suttees,' which, if he had conscientiously held them before he obtained his seat in Council, he ought to have maintained sincerely and zealously since, when he has had power to give his opinions weight as a Member of the Government. His *ultra* zeal for conversion he quietly put in his pocket,—and perhaps so much the better for India, if not for his own consistency; but his luke-warmness about his own favourite subject, of abo-

* Subsequent letters of a few days later date, mention the safe arrival of Mr. Lushington, the New Governor, at Madras.

lishing forcible concemation, was a sheer sacrifice of principle to convenience. In every thing he was the bear-ideal of a Company's servant,—an exclusionist—an enemy to colonization; and to Europeans—a despot over the press—a partisan of taxation,—an enemy to all liberalism and all liberty,—a shuffler and a jobber. Against all this, set off, if you will, private virtues of charity, or rather alms-giving, extreme piety, love of wife and children, and good nature to friends and individuals! Every one who has observed human nature, and in particular our Indian specimens, will agree that there is no incompatibility in such associations of public vices, and private or rather perhaps instinctive and physical virtues.

Sir Charles Metcalfe will be popular. He has arrived, I believe, and is laying himself out for popularity,—conscious, perhaps, that he has some old scores in this way to bring up! It is said he means to entertain splendidly; and rumours are afloat that he talks of a still greater sacrifice to good opinion, by opposing the weak and wicked tyranny of the Bayley and Lushington and Swinton faction over the press—*Credat Judeus*. I shall believe this of a Company's councillor, when I am assured of the miraculous fact, by demonstration to the senses, unless I have an opportunity previously of seeing the Ethiop change his skin. Besides such a stretch of visionary liberality, as Sir Charles Metcalfe's lending his sanction to any line of conduct recommended by the Marquis of Hastings, whom he loved so dearly, is next to impossible; or if possible, only to be explained by his wishing to set himself in strong contrast to that nobleman's single error—the giving way, in his declining days, to the temptations and persecutions of the press abhorers, in and about the Government.

But Sir Charles Metcalfe need not carry so far as this, his *amende honorable*, to the unfortunate hundreds whom his Hyderabad plagues and vengeance ruined. The good people of India, and none more than Calcutta, are very placable towards the dispensers of good things, whether in the shape of patronage or entertainments—a moderate quantity of such baits will go a very great way in a community composed chiefly of Company's servants and aspirants for power; as to the minority of traders and lawyers and such, if their recollections of the foul deeds of Hyderabad should, perchance, be somewhat keener than those of the rest of the society, they are too well bred, too precariously situated, or too well habituated to the yoke, to shew unbecomingly long memories, and so we may prophesy that Sir Charles Metcalfe will be very popular in due time. Yet all the while—will it be credited? since he has been away from Hyderabad, has he been the adviser of the Government of Calcutta, conjointly with the pitiful rump of the Adam faction before named, in preventing the unhappy members and creditors of Messrs. W. Palmer

and Gov. from obtaining that tardy and scanty justice from the Nizam's Government and the chief Minister, Moneer ul Dowlah, which the Court of Directors themselves were ashamed to refuse sanctioning, after the Lord Chancellor and the twelve Judges had declared that the law of England, about Indian interest, which had been used illegally as the instrument for effecting the Palmers' ruin, did not apply to Hyderabad! This conduct (which I am now reprobating), on the part of the Supreme Government and Sir Charles Metcalfe, you can have confirmed from a dozen sources in England, on the authority of the privately and publicly printed papers and correspondence of the trustees and the parties at Hyderabad, who have communicated them all to their friends at home.

No one in the Mofussil uses stamps; the natives continue their passive resistance in this passive way to their Act of 1824, and Government, notwithstanding its success in the Supreme Court, with the Calcutta Act of 1827, seems unwilling to provoke the Mofussil people by prosecutions to more active resistance. In Calcutta no one as yet uses stamps in private transactions, who can avoid it; but Government is about to enforce this part of the system by some prosecutions before the devoted and obsequious Judges in a month, when Term begins. They have abstained hitherto, chiefly from reluctance to encounter the odium of prosecutions in which they must succeed, under the Court's interpretation of the Act of 53, George III. The Government of New South Wales, we observe, has been forced to give up its press and stamp doings, because people there cannot be banished and ruined at will, and the press is free in consequence.

Mr. Secretary Lushington is to leave India this year, about October: and few men could leave that country whose absence would do it more good than this individual. Raised by sheer favouritism, under the all-powerful influence of the late Mr. Adam, to a high ministerial office, for which no talent, no peculiar office qualifications, — not even a decent length of actual service in India, gave him any sort of claim, he has remained a dead weight on the country in an office little better than a sinecure, whose essential duties could be well performed by the meanest clerk: The leisure hours of Mr. Lushington have been, all the while, employed in adulation to his especial patron while he lived, and publishing silly, penny-trumpet party puffs of him when dead; in the magnanimous work of worrying European intruders, and menacing several people who tread on the goaty toes of the lofty Government and Company's proud servants. But his main and darling employment, for the last seven or eight years, has been to wage war with the freedom of opinion in every shape in which it has endeavoured to manifest itself in India. He hated any thing like independence, every thing like difference, even of creed, from his own, in religion, politics, morals, &c. He was truly in his element when he stood forth

as Chief Secretary, wielding the thunders of the state, to crush, banish, imprison, ruin, and awe a wretched editor or printer; and his letters on those numerous occasions, when he persuaded the Government to let him exercise this employment so congenial to his feelings, are distinguished by the particular grace of adding insolent superciliousness towards the miserable objects of his fulminations, to the ordinary impertinence of office in India evinced by the privileged class. This character may seem severe, but it is true,—inequitable it would be, contrary to all notions of justice, poetical or moral, if the oppressor were not only to reap the fruits of his base subserviency to power, and his ready co-operation in cruelty, during his tenure of office, but even to enjoy his scandalous impunity even after his political death.

Mr. Lushington was a volunteer, an eager and devoted volunteer, in the wars against the press; and in the consequent hatred and hostility of his patron, Mr. Adam, towards poor old Lord Hastings, he bore an eminent part. He was one of the odious Civil party, in and about Council, who beset that fine but waning spirit, and, in fine, succeeded in cajoling and oversetting it. Great was the joy at the victory, nor were the conquerors satisfied, even after the retreat of the venerable Governor-General, till they had pushed their victory and revenge to the uttermost point against every friend Lord Hastings had left in India.

To balance these qualities it may be said Mr. Lushington was a religious man. He may have been sincere, and not canting, or, perchance, actuated by the hope of making friends at home with a certain party, through ultra zeal in this favourite line. He may have been charitable and amiable in his domestic relation of husband; but these things weigh as nothing in the scale, when the public merits and demerits of a man high in office are to be weighed by even-handed justice. We could go farther in our picture, but we war not with women, even when they forget their own sex and delicacy, and exasperate, instead of allaying the bitternesses and animosities of men's contentions.

LETTER OF APPEAL TO THE EDITOR, FROM AN UNKNOWN
CORRESPONDENT AT BOMBAY.

To the Editor of the Oriental Herald,

SIR,

Bombay, September 1, 1827.

As you profess to deal impartially with all matters which appear in your 'Herald,' and willing to give publication to what may be advanced on either side, you will perhaps not deny me the favour of publishing this letter, and the two which I herewith transmit to you, which were published in the 'BOMBAY COURIER' of to-day, connected with an article in your 'HERALD' for May last. You will perhaps consider yourself indebted to me, as it will afford you an opportunity of once more establishing some character for consistency, either as the Editor of the late 'CALCUTTA JOURNAL,' or as the individual who at one time had no hesitation in considering himself under great personal obligations to Mr. Erskine and other friends, whom he has since calumniated with no sparing hand.*

NOTES OF THE EDITOR.

[As the masked writers of these letters thus make reference to private and personal matters, and seek to attach odium, on this account, to my private and personal character, I deem it best to answer their attacks (though anonymous), in my own name.—J. S. BUCKINGHAM.]

* It is very probable that this letter may proceed from one of the friends here alluded to; and from none more likely than from Mr. Wedderburn, the only person in Bombay, to whom, conjointly with Mr. Erskine, I was ever under any personal obligation whatever. As great stress is here laid upon this fact, and as the writer seems to think that the obligation was sufficiently weighty to close my lips for ever afterwards, I will state its nature and extent exactly, that they may have the full credit of the favour granted, and I, at least, the credit of its full repayment. On being ordered by Sir Evan Nepean, in the year 1814, to quit Bombay, for no other reason than the not having the license of the East India Company to visit their territories, Mr. Erskine and Mr. Wedderburn used their joint influence to procure permission for me to remain; but this being ineffectual, and Mr. Warden having persuaded Sir Evan Nepean that he might, at least, permit me to return from whence I came, namely, Egypt, these two gentlemen named advanced me the sum of 100*l.* and supplied me with a sea-stock of provisions, &c., to the extent of about 50*l.* more—to pursue the voyage to Egypt in company with Mr. Babington, in the confident belief of my being ultimately permitted to return to Bombay again. The moment it was in my power (and it was not long after my return) I repaid to each of these gentlemen the uttermost farthing so lent me, and continued on a footing of friendly and perfectly independent intercourse for a long period afterwards, even, indeed, up to the period of my quitting India altogether in 1824.

Of Mr. Erskine I have never once spoken, publicly or privately, but

If I could bring myself to believe that the calumnious statements, occasionally published in your Journal, were not most perfectly agreeable to your own disposition, and consistent with your *present* feelings, I should greatly lament to see you so egregiously imposed upon, particularly as a great portion of those calumnies are well known to have originated in a quarter whence truth and justice

in terms of gratitude and esteem. Of Mr. Wedderburn, I have never spoken, otherwise than in similar terms—excepting only that I have permitted it to be stated in ‘The Oriental Herald’ that he, as Accountant General of Bombay, was one of the Proprietors of the ‘Bombay Courier,’ (in contravention of the express orders of the Directors that no officer in their service should be connected with a newspaper in India;) and that while Mr. Warden and Mr. Morgan, one Chief Secretary or Member of Council, and the other Company’s Solicitor, were joint proprietors, and might promote their own interests by filling their paper with official advertisements, Mr. Wedderburn, in his capacity of Accountant General, would have to pay all bills sent in to Government for such advertisements: and all parties would therefore have private interests constantly tempting them to relax from their public duty. The fact of all these gentlemen being proprietors of the Government paper, ‘The Courier,’ appeared in an affidavit before the Bombay Court;—their holding the offices, and performing the duties they did, were matters of equal notoriety, and therefore all this was but a mere statement of *facts*. If to state *these*, be to calumniate (though I certainly have ever held wilful and deliberate falsehood to be an essential feature of calumny)—these gentlemen might have grounds to complain. But if they are hurt at having it told that they occupy such places, hold such shares, and perform such duties,—why did they place themselves in that position? It was not a matter of necessity; and if they would reap the profits, they should not shrink from that public opinion to which every man who fills a public station is justly amenable.

If the writer of the letter, (who I know cannot be Mr. Erskine, and who, I would still hope, for his own sake, is not Mr. Wedderburn himself,) supposes, however, that towards any man, who at any period of my life, had lent me 100*l.*, which had been soon after fully repaid; or towards any man who had even *given* me five times that sum without asking or permitting its repayment, my mouth should be for ever closed, he must totally mistake my character and principles, which would never submit to such degrading conditions for the wealth of India itself. That the gratitude engendered by kind conduct in any former friend should soften the heart of the receiver of such kindness, and make him *slow* to believe evil without abundant proof, is natural and honourable. But that it should shut his eyes to facts—seal up his tongue in silence—and make it his duty to praise with his lips what his conscience must condemn, is an idea, that none but the most corrupt and degraded mind would ever entertain.

Towards Mr. Erskine and Mr. Wedderburn, I *have* used that caution and that forbearance, and shall do so still, amidst every provocation that can be offered from their injudicious sends. But there are cases in which even this resolution will have limits set to it, by a respect for truth; truth; and then my duty is plain.

only ought to flow. You have spoken of the discord prevailing in this society, though in the most exaggerated terms; but the sower of that discord is well known, and the date of his arrival amongst us cannot be mistaken. Let him reap the fruits of his honest labours in the love and veneration of society, if he can find any still attached to him. I have no hesitation in saying that a great portion of the calumnies, for I cannot relieve you altogether from responsibility, which have appeared in your Journal relating to this place, whether they were dated from 'Bath' or 'Plymouth,' were written in the very precincts of the Court House, if not in its very sanctum. † I am, Sir, your obedient servant,

A LOVER OF TRUTH.

† Certainly we must say that no man in Bombay, be he who he may, ought to expect a publisher in England to state so grave an imputation as this, without signing his name to his letter. The 'LOVER OF TRUTH,' has not so done, however, either publicly or privately: the reason must be pretty obvious, namely, that he wishes to effect his purpose of fixing a stigma on an individual without openly braving the risk of such a measure. Is this either just or generous? is it even manly? Certainly not.

If I adhered rigidly, in this case, to the rule I have always observed in the cases of which this 'Lover of Truth' complains of my conduct;—namely, of never stating allegations as facts, without knowing the quarter from whence they came, and being therefore assured of some guarantee for their accuracy—I should necessarily have rejected this letter, and assigned the not having any such guarantee for its accuracy as to facts, as my reason for so doing. Then, no doubt, there would have been a loud clamour on the part of the anonymous calumniators, who would have called my pretended love of justice, and regard for freedom of the press, hollow insincerity. But I must say, for the more than thousandth time, that my notion of this freedom is simply this—that all parties should be put on an *equal* footing in using it: that private individuals and public functionaries should meet on *equal* grounds, and that exactly the same degree of freedom which is granted to the one, be it much or little, should be accorded to the other. That Freedom of the Press has never yet existed legally in England; and scarcely an approach has been made towards it in India. Yet, such is my *sincere* regard for this freedom, that rather than narrow its limits in the slightest degree, I have often extended them even beyond my own standard, by giving my adversaries greater advantages than I ever asked for myself; namely, by giving insertion to their anonymous and irresponsible accusations against me: while all my censures on the public conduct of others, have always been printed under my avowed name and authority, taking on myself, as editor and publisher, all the responsibility, personal, legal, and moral. This, I have often done before now: and this, for once more at least, I will do again. But this will certainly be the *last* time; for such odds ought not to be asked by any honourable antagonist, and dishonourable ones are not worth replying to.

Before I pass from the anonymous letter of 'A LOVER OF TRUTH,' however, to the equally anonymous ones of 'VINDEK,' and 'A. B.' to

which, with such extraordinary modesty, he asks me to give further currency, though he keeps himself and his colleagues in the thick darkness, which no 'LOVER OF TRUTH,' ought to desire,—I must assure him that he is totally mistaken in his supposition with respect to the letters dated, one from Plymouth, and the other from Bath; I know well that those letters were written in England, as they purport, and not in India, as the 'Lover of Truth,' asserts; and further, I know by whom each of these letters was respectively written, and am satisfied that the personage whom a 'Lover of Truth' so falsely, and therefore libellously, accuses of being their author, knew nothing of their existence till he might have seen them in print, in common with all the world. The 'Lover of Truth' should, therefore, choose another and more appropriate signature. I now give the printed letters from the 'Bombay Courier,' which he incloses, because, anonymous and irresponsible as they are, I have no more reason to fear them than any other of the thousand calumnies which have already been vented against me, because I persevere in exposing misdeeds and misdoers; over all of which calumnies, however, I have hitherto, and still shall triumph. The letters are as follow:

To the Editor of the Bombay Courier.

SIR,—If the occurrence in the 'Oriental Herald' of the most bare-faced falsehood,* asserted with the most unblushing assurance,† could now possibly occasion surprise, the article inserted in p. 307, of the Number for May, would most unquestionably excite astonishment.‡ One advantage, however, certainly not contemplated by the Editor, may be derived from it, as it will afford a most excellent criterion for judging of Mr. Buckingham's principles and moral character. For I have every reason to believe that he himself received a copy of the pamphlet alluded to, and he must therefore be well aware that the epithets which he has applied to it are totally unfounded, and that he has, consequently, wilfully and knowingly published a Lie.‡ This language, I am per-

NOTES.

* What is meant by a *bare-faced* falsehood? If merely that the statement so designated, is not by insinuation or implication, but openly and unequivocally made; then bare-faced is better than 'masked,'—for in the former case, the utterer being known, can be convicted and punished for his crime, while in the latter he cannot; an advantage which none but a coward and a poltroon would ever avail himself of.

† Again—What is meant by *unblushing* assurance? If merely that the writer states his position, firmly and unmoved, this is the general characteristic of conscious innocence and truth. Why should men blush, but when conscious of doing wrong? Men who speak *bare-faced*, especially, when they *must not*, may have credit for sincerity; but men who wear masks, like VINDAX, may have the deepest blush of guilt on their cheeks, and yet pass off an unblushed front upon the world, who cannot see through the disguise.

‡ This is droll. If Mr. Buckingham's character be really so low that nothing coming from him could possibly occasion surprise, why all this trouble to blacken a character already deep-jet? This, like gilding refined gold, or painting the lily, is indeed wasteful and ridiculous excess. If the degradation of the opponent were so complete as these scribes pretend, it would show itself in their leaving him to his fate.

The pamphlet here alluded to, contained an account of Mr. Erskine's dismissal from office, on the grounds therein stated, and various matters and remarks arising out of this event. The epithets applied to this pamphlet, in the

feetly aware, is neither becoming nor gentlemanly, but when writing of a man who prostitutes his pen to the circulation of deliberate falsehood and slander, courtesy would be misplaced.*

Mr. Buckingham, with his usual disingenuity,† carefully conceals the title of the pamphlet to which he alludes: but no person acquainted with what has taken place at Bombay during the last four years and a half can for a moment doubt that the one in question is, 'The case of Mr. Erskine of Bombay, printed for the perusal of his friends at Calcutta, and never inserted in any newspaper, as it was found too long for that purpose.' At the time, also, when it was printed, there was no Supreme Court at Bombay. But so far from this pamphlet being 'libellous,' it, on the contrary, contains authentic copies of the Recorder's speech on delivering the decision of his court in that case, and of the interrogatories on which Mr. Erskine had been *privately* examined by the Recorder, and thus fairly lays both sides of the question before the public. At its conclusion likewise, was added this note. 'The preceding statement has, for obvious reasons, been drawn up in a tone of studied moderation. A fuller narrative, with a freer commentary, by the injured individual himself, will probably appear hereafter from another quarter.' ‡

article in the 'Oriental Herald,' for May, (p. 307,) to which VINDEK refers, and that it was 'anonymous,' and that it contained 'grossly libellous insinuations against the Chief Justice of the Presidency of Bombay.' Now, I admit, that I *did* see a copy of this pamphlet myself; and the reason why I never adverted to it voluntarily was, that never having lost my kind feelings towards Mr. Erskine or to Mr. Wedderburn, whose production this pamphlet was thought to be, I closed it with great pain at finding it a very lame defence of what I wished could have been fully justified; and therefore I suffered those kind feelings to deter me from adverting to the subject publicly, as I should otherwise have done. This was a weakness, I own, but certainly not one of which either of these gentlemen or their friends had ground to complain. Knowing, however, from subsequent evidence and consideration, that the imputations, which that pamphlet contained on Sir Edward West, were groundless, as well as calculated to degrade him, where believed to be true, I did call the insinuations libellous, and still contend that they were so.

* What Mr. VINDEK's notion of *gentlemanly* language may be, it would be difficult to guess. In the society in which we have been accustomed to move, it is not considered a *very* gentlemanly thing to give another 'the lie,' even face to face, when it may be resented on the spot; but any man, who should be detected in such baseness, as to give another 'the lie' anonymously, to publish him to the world as 'a wilful and deliberate liar,' and not make himself known to the world at the same time as responsible for the consequences, would be kicked out of every decent circle in England, and no epithet could be found to express the extreme contempt which all honest men would feel towards him.

† There is *disingenuity* enough (to use his own phrase) in Mr. VINDEK's clumsy efforts; but the *disingenuousness*, of which he *meant* to complain, deserved a better name. The only reason for not mentioning the name of the pamphlet, was a desire not to refer at all to the case of Mr. Erskine—which it was, and still is, my sincere opinion, cannot be examined except to his prejudice; and in this I shall never be eager to assist.

‡ Whether a work be 'libellous' or not, is, after all, a matter on which persons may very honestly differ, until a generally admitted definition is given to the word. The citing the notes of its writer who *calls* it 'moderate,' as *proof* of its moderation,—is like the quotation that has been made to prove the press restrictions of India not at all irksome, namely, because those who imposed them *say* they are not!!

This statement, in fact, contained nothing but a simple account of the circumstances of the case, to which scarcely a single remark was added. But Mr. Buckingham is a man of too much acuteness not to know, that in drawing up a vindication of one's conduct for the satisfaction of one's friends, the style of unfounded assertion and slanderous aspersion employed in the 'Oriental Herald' would be of no avail; and that, in such a case, conclusive reasoning, founded on obvious or well-authenticated facts, could alone produce conviction.

But I have no intention of entering into a discussion of the merits of this case, and shall, therefore, merely observe, that it is notorious that Mr. Erskine was deprived of the situations which he held in the Recorder's Court without trial, and without any *public* investigation whatever.* Will, therefore, Mr. Buckingham, the *soi-disant* defender and martyr of the Liberty of the Press, affirm, that, under such circumstances, there was any impropriety in printing and circulating this case, for the information of the friends and acquaintances of Mr. Erskine? For I defy him to point out in it a single passage which deserves, in any sense of the word, the term, 'libellous;' though the object and intention of the pamphlet were certainly to show that the decision of the Recorder's Court was neither just nor legal. But what interminable paragraphs has Mr. Buckingham written, in order to prove the injustice of subjecting a Briton to punishment, or even to any loss, without a previous trial by a Jury of his countrymen. The pages of 'the Oriental Herald' have been filled, *usque ad nauseam*, with the cases of Buckingham and Arnot, Edwards and Burnet, and *hoc genus omne* of honourable men; but when a gentleman, to whom Mr. Buckingham was indebted for the most friendly kindness and attention, is deprived, *without trial*, of situations to the amounts of 23,000 rupees per annum, not a page, nor even a paragraph, can be spared in the 'Oriental Herald' for any remarks on a case, which *prima facie* certainly afforded much juster grounds for animadversion.†

That Mr. Buckingham had good and golden reasons for having hitherto maintained silence on this subject, there can be no doubt; and, in a mercenary hireling, consistency of principle is not to be expected.‡

* The only answer necessary to be given to this, is, that it is not *true*. The examination was in the presence of several persons composing the Court, and Mr. Erskine might have had a trial if he wished it; but both this and the promised 'fuller report' of the case, he very wisely declined.

† Mr. Erskine was not banished from India at all: he was merely dismissed from the office he held, as the Court might dismiss any other officer with whom they were dissatisfied; and he might still have remained in the country to fill any other post open to him under Government, or to live by other pursuits. Before his dismissal even, however, he had an examination before the Heads of the Court, and was allowed to make a defence, and might have had a trial. The individuals who were *banished* from India had not one of these advantages, and none but a wilfully blind man could confound cases so dissimilar. But the *true* reason for not discussing Mr. Erskine's case in the 'Herald,' has been already assigned; and nothing but self-defence induces an advertence to it now.

‡ Here is another *gentlemanly* insinuation of Mr. masked VINDEY, to which he dared not put his name. The golden reasons here supposed have never yet, thank heaven, soiled my palms: and if I could have but consented to be the mercenary hireling I am here supposed, I should not have had to wade through the sea of poverty and trouble in which I was almost irretrievably ingulphed. One of the last imputations, I hope, to which I am liable, is that of, at any time, disguising or concealing my opinions for gain. My whole life is, fortunately, a de-

But prudence might have prevented his alluding to it in any manner; for, if it be in the least discussed, it will be incontrovertibly proved, that, in his case, to the stigma of literary prostitution, must also be added, that of base ingratitude. Callous as Mr. Buckingham, from a long perseverance in circulating 'gross, libellous insinuations,' and assertions against all who deserve respect, esteem, and admiration, must have become to the contempt of the public, still a regard for his own interest ought to convince him of the expediency of avoiding the agitation of questions, the discussion of which must inevitably expose his total laxity of principle, and his complete indifference to rectitude, integrity, and all moral feeling.—I remain, Sir, Your most obedient Servant,

VINDEX.

Bombay, 29th August, 1827.

GOVERNOR ELPHINSTONE, THE LATE GOVERNOR ADAM, AND THE
INDIAN JOHN BULL.

To the Editor of the Bombay Courier.

SIR,—The above is the heading of an article in the 'Oriental Herald' for May, and is as usual full of calumnies, the characteristic feature of that Journal. In this paper Mr. Elphinstone is said to have been charged in a public correspondence, by a high judicial authority of this place, with having had in his possession a manuscript (said to be *libellous and so forth*), and having been the means of sending it to Calcutta, and causing it to be printed in the 'John Bull,' through the means of his friend Mr. Adam. Now I have not the means of ascertaining if ever such a charge was really made, and should conceive it for many reasons very improbable; but as it may naturally be inferred that such a charge, if made, would not long remain unanswered, it is evident that the same sources from which the Herald obtained the information, could with equal facility have given the reply, if truth and candour had been their aim.*

My object, however, is to state what every body has equally the means of ascertaining, that the said paper, which I conclude can be no other than Mr. Erskine's explanatory statement, was published, *not in the John Bull, but in Mr. Buckingham's own paper, the Calcutta Journal, of the 23d of October, 1823, three months after Lord Amherst had assumed*

nial of that base, slanderous, and, as being secret, cowardly aspersion. I may have been often wrong, (for I do not pretend to infallibility,) but consistent adherence to the principles I have always professed, through good report and evil report, and the sacrifice of a splendid fortune to maintain them, are proud consolations of which no man can deprive me.

* In the article which stated this, it was added that if Mr. Elphinstone, or any of his friends, had any thing to say in his defence, the pages of the 'Herald' were open to them. But, without this, has he not the Bombay Papers under his entire control? and has he dared to deny the allegation? What so easy, if it were not true? And what is the fair inference, if he remains silent? Mr. Elphinstone knows that such a charge was made, and if he even answered it, it would be his duty to give that answer publicly. He refrains: What is the inevitable conclusion? Either that no answer was given; or that it is such as it is not safe to publish.

Oriental Herald. Vol. 16.

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*charge of the Government, and three months after Mr. Adam had left Calcutta for the benefit of his health, with an editorial paragraph bearing strong testimony to Mr. Erskine's virtues and talents.**

Mr. Buckingham's remarks on abuse of the press recoil, therefore, on himself.

Your's obediently,

August 30th, 1827.

A. B.

* This is partly true, and partly false. It was published in the 'John Bell newspaper, notwithstanding A. B.'s denial of this fact; and although it was also published in the 'Calcutta Journal' (of which fact, however, I am now, for the first time aware,) this was in October 1823, according to A. B.'s own showing, and, consequently, *seven months* after I quitted India, so that, without a miracle, I could have no knowledge of or participation in such a measure.

These notes will show, it is hoped, of what materials the angry denunciations of the Bombay writer are made up. I have given them here much more space than they deserve, or than I shall ever be disposed to give them again. They may well endeavour to vary their dull columns with calumnies of this description; but, henceforth, having better and more agreeable occupation, I shall leave them to work out their own destruction, and consign them to the contempt they so justly merit.

LETTERS OF VINDEK AND A. B. IN THE BOMBAY COURIER.

To the Editor of the Oriental Herald.

Sir,

Bombay, 3d of October, 1827.

I SEND you a copy of our Government newspaper the 'Courier,' of the 1st of last month, in which you will observe two letters, the first signed 'VINDEK,' and the other signed 'A. B.' Whether these articles are or are not the productions of the two influential gentlemen here, to whom they are attributed, it is not worth while to inquire. The 'Courier' is the Government paper, as appears from the resolution at the head of it, and is almost entirely supported by the patronage of the Government. The only European proprietor in India is Mr. Morgan, the Company's Solicitor, as appears by the annexed case of affidavit.† Thus it is clear, that whoever are the authors of these libels on the King's Court, the Government permit

† James Macadam of Bombay Esquire, and Robert Dirom of the same place merchant, severally make oath and say, and first this deponent James Macadam for himself saith, that he hath assigned over and relinquished unto the above-mentioned Robert Dirom, all his right and interest to and in the Editorship and management of the newspaper called the 'Bombay Courier,' and that he, this deponent, is not now, nor has he been since the eighteenth day of March instant, in any way concerned in the editing, printing, or publishing of the said newspaper; and this deponent Robert Dirom for himself saith, that he is an European merchant, and an inhabitant of Bombay, and that his place of abode is within the fort of Bombay, and that he hath become and now is the Editor of the said newspaper called the 'Bombay Courier;' that the proprietors of the said newspaper or Courier Press, and the business relating thereto, at present residing in Bombay, are Jemsetjee Jeejeeboy of Bombay, Parsee Merchant, and Edmund Cobb Morgan, of the same place, Attorney at Law, and that the other proprietors of the said newspaper press and business, being Alexander Bell, James

and sanction them ; and permit and sanction these insults through the medium of one of their own servants, who is also an attorney of the court. The Company's solicitor, be it remembered, holds his share of the ' *Courier*,' in spite of the Company's orders, that no servant of theirs shall hold any interest in any newspaper ; and as the Government were specially directed to enforce these orders, it is clear that Mr. Morgan holds his share by the connivance and with the consent of the Government. What then is the irresistible conclusion, but that he is permitted to hold it for the very purpose for which he employs it, namely, to libel the Judges of the Supreme Court. The ' *Courier*,' as you may be aware, has long continued in this strain, and in order to insure its continuance, the Government first permitted Mr. Macadam, a surgeon or assistant surgeon on this establishment, and one of Mr. Elphinstone's puffers on every occasion, to continue in the office of Editor till March, four months after the time allowed by the Court of Directors. The Government then finding that they had as good a tool in Mr. Morgan their solicitor, who, it is believed, was induced or persuaded by them to purchase his share from Mr. Wedderburn, write a letter to Mr. Macadam in pretended surprise, at finding that he continued Editor : wishing to have it believed that Mr. Macadam continued in that office without their consent, in the teeth of the Court of Directors' announcement, that any one who continued to have any connection with a newspaper as proprietor or Editor after the 1st of December, 1826, should be dismissed their service, and directing the Government to inform them of the names of any such person. Thus much for the Government and ' the amiable noble-minded Governor, the most liberal of mankind.'—Now for the libels themselves !

The first assertion of VINDEX, (for I pass over the elegant preamble, ' the barefaced falsehood,' the ' wilfully and knowingly published a lie,' ' deliberate falsehood,' &c. &c. &c.,) is, that the pamphlet (entitled the case of Mr. Erskine) was not libellous ; ' so far from it,' says VINDEX, ' it on the contrary contains authentic copies of the Recorder's speech, on delivering the decision of his Court on that case, and of the interrogatories on which Mr. Erskine had been *privately* examined by the Recorder, and thus fairly lays both sides of the question before the public. At the conclusion was, likewise, added this note. ' The preceding statement has, for ob-

Henry Crawford, and William Ashburner Morgan, Esquires, are all, as this deponent believes, at present residing in England or some other part of Europe ; and this deponent lastly saith, that Shreecrusera Jagoonathjee of Bombay, Hindoo inhabitant, is at present the printer and publisher of the said newspaper.

(Signed) JAMES MACADAM,

ROBERT DIROM.

Sworn before me at Bombay, this
30th day of March, 1827.

(Signed) C. Norris, J. P.

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vious reasons, been drawn up in a tone of studied moderation. This statement, in fact, contained nothing but a simple account of the circumstances of the case to which scarcely a *single* remark was added.' How is this? What is the meaning of the statement being drawn up in a tone of studied moderation, if it contained scarcely any remarks? How could there be any exercise for the study of moderation, if it contained merely the speech of the Recorder, and the interrogatories, as is meant to be implied, or merely the simple facts of the case? Such are the contradictions to which those are led who once leave the truth.

But nothing is like arithmetic in these cases. More than two thirds of the 'Case' consist of *remarks*, and in the middle of them is the following sentence—'These remarks may, perhaps, appear to have extended to too great a length;' and yet, says VINDEX, 'scarcely a single remark was added.'

The pamphlet was not libellous, says VINDEX; why then was it anonymous? Why did the author conceal the name of the printer and publisher?

One or two observations more: Mr. Erskine, (says VINDEX,) was *privately* examined by the Recorder. This would lead, and is obviously intended to lead, to the inference that he was examined by and before the Recorder alone; whereas he was examined before *all* the then Judges of the Court, the Recorder, the Mayor, and three Aldermen; except indeed, to be quite accurate, that one of the Aldermen was obliged by private business to be absent, during a *part* of the examination.

But, says VINDEX, 'the case was never inserted in any newspaper, as it was found too long for that purpose!' What says A. B.? 'It was published, not in "The John Bull," but in Mr. Buckingham's own paper, "The Calcutta Journal."' How is this, VINDEX and A. B.? Which of you is to be believed? Or is either? Whilst I am now writing, I have two successive numbers of the 'John Bull' before me, containing two-thirds of this case; the other third I have not been able to obtain. It might also have been published in the 'Calcutta Journal;' but what is this to the main question? What is it to the main question whether it was published in any newspaper at all? The question is whether Mr. Elphinstone was party or privy to the publication of this libel in *any* shape, for it was also published, as before mentioned, in a pamphlet. The manuscript of it was traced to his hands, and that before it was printed. This, Mr. Elphinstone cannot venture to deny. If he can, the pages of the '*Oriental Herald*' and '*Asiatic Journal*,' as well as those of the '*Courier*,' are no doubt open to him. Would not this fact alone be sufficient to convict him of the publication in any Court of Justice? But let us go a little further. Mr. Erskine was dismissed in June. Lord Amherst did not arrive at Calcutta till August. The pamphlet,

altogether anonymous, that is without the name of author, printer, or publisher, was in circulation in Bombay, in October. Was there not then sufficient time to make all the arrangements for its printing through Mr. Adam, before he left Calcutta, both in the pamphlet and in the 'John Bull,' or any other newspaper? That Mr. Adam was in constant communication with the editors of the newspapers, at Calcutta, by note or letter, in his own hand-writing, was proved in the Supreme Court at Bombay during a late trial, in which Mr. Elphinstone was defendant, charged with taking some ten or eleven lacs of rupees from an inhabitant of the Deccan. A Mr. Sive-right was called by the Counsel for the defendants, to prove Mr. Adam's hand-writing, and it appeared that he became acquainted with it by having, whilst he was one of the devils in the printing office of a newspaper, constantly read notes addressed by Mr. Adam to the editor, on the subject of insertions in that paper!

That some high influence must have been used with the editors and publishers, to procure the publication of this grossly libellous case, such influence as would secure them from the interference of Government, is clear from this single fact:—When party spirit ran so high at Bombay, and party-feelings against the Court were such as were never before witnessed; when a mob of people used to follow the Advocate-General into Court, to witness and encourage his insults; when Mr. Elphinstone announced, as he did immediately after Mr. Erskine's dismissal, that he should present a laudatory address to him, and, by his personal treatment of the Recorder, encouraged his partisans to insult him; when all manner of misrepresentations were current as to the dismissal of Mr. Erskine, a copy of the Judgment, *without any comment*, was sent to be published in the newspapers at Calcutta. It was refused insertion; and the reason assigned for the refusal was, that the Editors did not dare to insert it, under the then regulations, (Mr. Adam's,) and the strict surveillance of the Government. A few weeks after, appeared the 'case,' the 'libel,' containing the judgment, it is true, but interlarded with comments, and gross perversions of facts. I will instance one: The gist of the case was to prove that the Court had no right to examine Mr. Erskine on oath. Now, both at the examination of Mr. Erskine, and on the delivery of the judgment, a Rule of Court was read by the officer of the Court, by which 'the clerk of the small causes was to account, upon oath, for all fees whenever thereunto required.'

This Rule is, indeed, in part inserted in the judgment; but being well known to the community at Bombay, it was concluded, with an &c., instead of giving it at full length.

Now, as to the illegality or impropriety of dismissing Mr. Erskine, without a trial. A few, five or six, years back, a Mr. Hockley, a civil servant, was brought down to Bombay, under a military guard; was tried before the Recorder's Court, Sir A.

Buller being Recorder; and was, after a long and patient investigation, before a most intelligent and attentive Jury, *acquitted*. Nevertheless, he was sent to England by the Government, and subsequently *dismissed* by the Court of Directors. Did Mr. Buckingham ever comment upon this as an illegal act of authority? The same measure has been pursued repeatedly and properly by the different Governments. A gentleman who held the office of Ecclesiastical Register under the Supreme Court of Madras, (I abstain from mentioning his name, that I may not inflict pain on his friends,) had used the money of the different estates in private speculation, and was a defaulter to an immense amount; he prevented the interference of the Court by dreadful means. Was not the Court loudly blamed for not having before interfered, and would the Court have been blamed, or the act called illegal, had they dismissed him months and years before, and thus protected the community from a most cruel loss? The fact is, that *VINDEX* purposely confounds dismissal with punishment.

I know that it is not the wish of any member of the Recorder's Court to inflict pain upon Mr. Erskine or his friends. But they have never shrunk from inquiry. It is well known, however, that Mr. Erskine himself disclaimed all participation in, and privity to the pamphlet in question, and never questioned the correctness of the Court's judgment. His *imprudent pretended friends*, who do not care for his welfare, when put in competition with the gratification of their malignity towards the present Chief Justice, have done him, as he himself has said, more injury than the judgment of the Court. This brings me to 'the golden reasons' of Mr. Buckingham for having hitherto maintained silence on this subject. Did Sir James Mackintosh, who has borne testimony to the integrity of Mr. Buckingham's character, suppose that he had golden reasons for this silence? No, you know full well, Messrs. *VINDEX* and A. B., that it was from Mr. Buckingham's consideration for Mr. Erskine, and from knowing that it was Mr. Erskine's own wish, that the subject was dropped; and your only object in this attempted vilification of Mr. Buckingham, is to endeavour to discredit the truths to which his work has given light, and which have exposed some of the intrigues and underhand proceedings of this Government and some of its members individually.

One more observation, and I have done. It is reported here, that the Government have written to the Editor of the '*COURIER*' to order him to discontinue these remarks. But this, as far as Mr. Elphinstone and Mr. Warden are concerned, is a part of the system they have long pursued. This letter is just as much *bona fide* as the letter to Mr. Macadam. It is without any object, except to be produced in case they are blamed.

X. Y. Z.

NARRATIVE OF THE CAPTURE OF THE CHIEF MATE OF THE BRIG MERIDIAN.

ON the 31st March last, a boat left the brig *Meridian*, which was at anchor off Pulo Pontianak, a little island to the northward of Sambas river. In the boat were the chief mate, a European apprentice, three Manilla seamen, and a native of the Deccan, a passenger. They landed about nine A. M., and, shortly after, seeing something like a prahu near the point, (Tanjong Sarang Burong,) the apprentice and the passenger were sent to see whether it was one or not. Before they could return, the mate, being satisfied that she was a native vessel, and of suspicious appearance, launched the boat, and, the lad and passenger having returned, pushed off. The delay occasioned by waiting for the apprentice and passenger, gave the prahu the opportunity of getting close. However, the boat pulled off, but, from her crew being fatigued, she was overtaken by the prahu. The mate finding it impossible to escape, laid athwart, and he and the passenger jumped overboard, but were seized by the Nakodah* and Panglima, who had plunged into the water immediately after them. The crew of the boat were taken on board the prahu, the apprentice having been stripped of all his clothes in the boat. On board the prahu they were all stripped of nearly every thing. The mate's arms were tied behind him, and a halter put round his neck; he was then told to deliver his watch, and, as the pirates thought him dilatory, he was knocked, beat, spit upon, and forced to kiss the feet of the chiefs. He was then taken off and secured upon the dundang, exposed to the burning rays of the sun, without any covering save his trowsers, by which the whole of his skin was blistered. During this time the other five were secured by a cross lashing over their hands. The brig's boat was in the mean time on shore with sixteen men, to search for any thing that might have been left on shore. On her return they weighed and stood to the northward along shore till eight in the evening, when a consultation was held respecting the captives. Some proposed to kill them. The boat was to have been sent to the brig with the apprentice and a Manilla man for a certain sum of money, and in failure of her returning at an appointed time, the remaining hands were to be murdered. This plan, however, was abandoned, and it was decided to proceed to Samatang. On the passage they overhauled a small trading prahu, and having plundered her of some of her cargo, permitted her to go on. The apprentice on this occasion was dressed, and sent to steer the brig boat, which was employed in

* Nakodah Sitimbah residing at Sarawak, which with Samatang is subject to Borneo proper.

boarding the prahu, and afterwards, whenever the boat went on shore for water, he was always the coxswain. On the sixth day they arrived at the Samatang river, and the mate and passenger were taken to the chief Bandahara Sally, who was requested by the mate to ransom them: this he agreed to do, the mate writing to the Resident of Sambas to reimburse him. The amount demanded was ten thousand rupees for the mate, apprentice and passenger; but the pirates would not put the Manilla-men to ransom. The mate and passenger were then sent back, and, the following morning, brought with the apprentice from the prahu, and the Bandahara Sally arranged with the pirates. The next morning the passenger was sent to Sambas with a note from the mate to the resident, and in a fortnight a man came from the resident to settle with the Bandahara Sally; and three days afterwards the mate and apprentice set out for Sambas, accompanied by the Bandahara Sally, the messenger for Sambas, and a number of Dayas. The resident had very considerably sent clothes, but after some days' travel, in consequence of having to traverse jungle, and marshes, and mountains, their shoes were destroyed, and they suffered considerably; on the fourth day, they obtained water passage, and arrived at Sambas on the third day after, and were there most hospitably and kindly received by the resident and other Dutch gentlemen of that place. Five days after, they were put on board a gun-boat, and the next day they arrived on board the brig.

LITERARY INTELLIGENCE.

Prospectus of a Dictionary in Bengalee and English, by Tarachand Chukruburtee, a young Brahmin of excellent talents and education, formerly Native Translator to the 'Calcutta Journal,' of Mr. Buckingham. Although Mr. John Mendies's Abridgement of Johnson's Dictionary of Bengalee has proved very useful, both to European gentlemen studying the Bengalee Language, and to Native English students; yet the want of a Dictionary in Bengalee and English, of a portable size and moderate price, has been long felt and complained of. To supply this desideratum, a compilation from Ramchन्द्र Shurma's Ubbidhan has been undertaken, with the advice of some respectable European, as well as Native gentlemen. The work will be carefully revised by a respectable European gentleman, of well known abilities in both languages.

The volume will be printed on European paper, in a neat style, at the Baptist Mission Press, Circular Road. It will contain from 200 to 250 pages, 12mo. in boards. The price to Subscribers has been fixed at 4 rupees a copy.

Subscribers' Names will be received at the Baptist Mission Press; and by the Translator.

Calcutta, Aug. 16th, 1826.

CIVIL AND MILITARY APPOINTMENTS, PROMOTIONS, AND CHANGES IN INDIA.

[B. signifies Bombay—M. Madras—and C. Calcutta.]

- ADDISON, Capt., 18th N. I., invalided.—B. Sept. 13.
 Alexander, W. S. Mr., to be Assist. to the Magistrate and to the Collector of Saharunpoor.—C. Aug. 23.
 Auriol, J., Lieut.-Col., 21st N. I., on furl. on the river for health.—C. Aug. 25.
 Archer, E. C. Capt., Aid-de-camp to Commander-in-chief, posted to Cawnpore.—C. Aug. 28.
 Agnew, W. H., Capt., Aid-de-camp to Commander-in-chief, posted to Cawnpore.—C. Aug. 28.
 Anderson, J., 2d Lieut. Artill., from 1st comp. 3d batt., to 2d troop 2d brig. Horse Artill.—C. Aug. 3.
 Andrews, E., Ens., posted to 14th N. I.—B. Aug. 16.
 Arniel, P. C. N., Mr., adm. Cadet and prom. to Ens.—B. Sept. 6.
 Atkinson, H. Mr., Surgeon, to be Secretary to the Mint Committee.—M. Sept. 14.
 Alexander, R., Capt., 48th N. I., to be Dep. Assist.-Quar.-Mast.-Gen.-Central Division, v. White.—M. Sept. 7.
 Armstrong, E. Sub-Assist.-Com.-Gen., Lieut., to be Dep.-Assist.-Com.-Gen., v. M'Leod.—M. Aug. 24.
 Alexander, J. Lieut., 7th Lt. Cav. to be Capt., v. Watkins prom.—M. Aug. 23.
 Arbuthnot, G. Lieut. and Adj., 3d Lt. Cav., to visit the Presidency for health.—M. Oct. 4.
 Aston, H., Lieut. 10th N. I., on furl. to sea for health.—B. Aug. 22.
 Bertram, A., Mr., adm. Cadet and prom. to Ens.—B. Sept. 6.
 Boye, C. H., Mr., adm. Cadet of Artill. and prom. to 2d Lieut.—B. Aug. 30.
 Borradaile, H. Mr., to be Sen.-Assist. to the Judge and Session Judge of Ahmednuggur for Candiaish.—B. Sept. 1.
 Blane, D. A., Mr., to be First Assist. to the Judge and Session Judge of Poonah, to be stationed at Sholapore.—B. Sept. 1.
 Blenkinsop, the Rev. Wm. T., to be Milit. Chaplain at St. Thomas's Mount.—M. Aug. 31.
 Bushby, Charles M., Esq., to be Register to the Prov. Court of Appeal and Circuit for the Centre Div.—M. Aug. 31.
 Blake, M. T., Ens., 56th N. I., posted to Lucknow.—C. Aug. 28.
 Burke, W. A., (M. D.), Inspector of Hospitals, posted to Cawnpore.—C. Aug. 28.
 Beatson, W. S., Major, Dep. Adj.-Gen., posted to Cawnpore.—C. Aug. 28.
 Bryant, J., Lieut.-Col., Judge-Advocate-Gen., posted to Cawnpore.—C. Aug. 28.
 Batton, T., Capt., 69th N. I., app. to command the Com.-in-Chief's escort to Cawnpore.—C. Aug. 28.
 Brind, F., 1st Lieut., rem. from 3d to 1st Troop, 1st Brig. Horse Artillery.—C. Aug. 28.
 Barclay, J., Capt., 4th Light Cav., on furlough to the Presidency for health.—C. Aug. 28.
 Barrett, W., Veterin. Surg., posted to 6th Light Cav. at Sultanpore, Benares.—C. Aug. 31.
 Burroughs, W., Capt., Fort Adj., on furl. to the Presidency.—C. Aug. 31.
 Boyd, G., Capt., 50th N. I., to act as Fort Adj., in the absence of Capt. Burroughs.—C. Aug. 31.
 Burn, H. P., Lieut., to act as Interp. and Quart.-Master, 1st N. I., during the absence of Lieut. Fisher.—C. Aug. 31.
 Bourdieu, Capt., 43d N. I., to do duty with 27th regiment.—C. Aug. 31.
 Burnett, C., Lieut., 8th N. I., to visit the Presidency.—C. Aug. 31.
 Baker, O., Lieut. Artill., rem. from 7th Comp. 6th Batt., to 1st Comp. 4th Batt.—C. Aug. 3.

- Brownlow, H. B., Mr., to be Assist. to the Magis. and to the Coll. of Bareilly.—C. Aug. 2.
- Brooke, G. P., 68th N. I., Ens., to do duty with the 59th N. I. at Barrackpore.—C. Aug. 3.
- Bartleman, J., Lieut., 44th N. I., Interp. and Quart.-Mast., to remain at the Presidency for health.—C. Aug. 3.
- Beresford, J., Lieut., 6th Extra N. I., to proceed on the River for health.—C. Aug. 3.
- Bradwood, C., Ens., 3d N. I., to be Lieut., vice Clarke, deceased.—B. Aug. 3.
- Bertram, Alex. D., to succeed as Assist.-Surg.—B. Aug. 10.
- Bowstead, Joseph, Mr., to succeed as Assist.-Surg.—B. Aug. 10.
- Belly, F., Cadet, prom. to be 2d Lieut. Engineers.—B. Aug. 10.
- Browne, J., Lieut.-Col., Infan., to take rank on the augmentation.—B. Aug. 10.
- Blackley, G. W., Capt., 13th N. I., to be Major, vice Stampa, prom.—B. Aug. 10.
- Brett, H. W., Cadet, posted to Artill., to rank as Lieut.—B. Aug. 16.
- Baker, W., Ens., posted to 1st Gren. Regt.—B. Aug. 16.
- Ball, J. C., Ens., posted to 11th N. I.—B. Aug. 16.
- Browne, Lewis, Ens., posted to 5th N. I.—B. Aug. 16.
- Barnett, John, Ens., posted to 1st Gren. N. I.—B. Aug. 16.
- Burn, Wilson, Mr., admitted Assist.-Surg.—B. Aug. 16.
- Browne, R., Mr., (M.D.), admitted Assist.-Surg.—B. Aug. 16.
- Buddo, D., Mr., (M.D.), admitted Assist.-Surg.—B. Aug. 16.
- Brooks, John, Lieut., 2d Light Cav., to be Capt., v. Rose, deceased.—B. Sept. 8.
- Browne, A. W., Capt., 11th N. I., to be Inspector of Hill Forts in the Deccan.—B. Sept. 12.
- Bell, J., Assist.-Surg., to be attached to the Residency at Tanjore.—M. Sept. 25.
- Bishop, C. T. G., Lieut.-Col.-Com., 28th N. I., to command Trichinopoly till the arrival of Lieut.-Col. Farran.
- Butler, C., Lieut., 1st Europ. Regt., on furl. to Europe for health.—M. Oct. 5.
- Blackburne, T., Ens., posted to 2d N. I.—M. Oct. 5.
- Brice, H. S., Assist.-Surg., posted to 42d N. I.—M. Sept. 27.
- Buller, C., Lieut., 1st Europ. Regt., to visit Presidency for health.—M. Oct. 4.
- Buchanan, J., Lieut. and Brevet Capt., 1st Light Cav., to be Barrack-Mast. at the Presidency, vice Russell, prom.—M. Sept. 14.
- Bond, F., Capt., Artill., to be Commis. of Stores at Prince of Wales's Island, vice Brooke, deceased.—M. Sept. 14.
- Bushby, C. M., Esq., to be Register to the Provin. Court for the Western Div.—M. Sept. 14.
- Briggs, J., Lieut., 13th N. I., to be Capt., vice Wilson, prom.—M. Sept. 7.
- Bevon, H. C., Ens., 13th N. I., to be Lieut., vice Briggs, prom.—M. Sept. 7.
- Baldwin, J. T., Lieut. Artill., to be Adj. to 3d batt., vice Bayle, on furlough to Europe.—M. Aug. 24.
- Bullock, S., Capt., 2d Light Cav., to be Major, vice Clubley, prom.—M. Aug. 24.
- Cavaye, W. Lieut., 21st N. I., to act as Dep.-Assist.-Quart.-Mast.-Gen., in the absence of Lieut. Burnes.—B. Sept. 19.
- Crucklow, H., Lieut., to be acting Adj. to the wing of the 22d N. I.—B. Aug. 30.
- Casalet, Capt., Commis. Depart. of the Poonah Troops, resigned his charge from bad health.—B. Sept. 19.
- Clarke, G. R., Mr., to be 1st Assist. to the Resident at Delhi, and Agent to the Gov.-Gen. for the Affairs of Rajpootana.—C. Aug. 17.
- Clarke, S., Esq., to be Register to the Zillah Court of Chittoor.—M. Aug. 31.
- Colebrooke, Sir J. E., Bart., to be Resident and Commis. at Delhi, and Agent to the Gov.-Gen. for the Affairs of Rajpootana.—C. Aug. 24.
- Caine, A. D. C., Capt., Staff, on furlough on the River for health.—C. Aug. 24.
- Chilcott, J., Ens., rem. from 10th to 6th Extra N. I., as junior of his grade.—C. Aug. 25.
- Carnegy, W., Ens., posted to 60th N. I., at Meerut.—C. Aug. 28.
- Cowpar, A., Ens., to do duty with the 59th N. I., at Barrackpore.—C. Aug. 28.
- Cotton, C., Lieut., Aid-de-Camp to Com.-in-Chief, posted to Cawnpore.—C. Aug. 28.

- Sunlife, R. H.**, Lieut.-Col., Commis.-Gen., posted to Cawnpore.—C. Aug. 28.
Crawley, J., Conductor, on furlough to the Presidency for health.—C. Aug. 28.
Campbell, G., Lieut., Horse Artill., on furl. to Bareilly for health.—C. Aug. 28.
Cockburn, H. De W., 2d Lieut. Artill., rem. from 2d Comp. 4th Batt., to 1st Comp. 3d Batt.—C. Aug. 3.
Curphey, W., Capt. Artill., rem. from 1st Comp. 3d Batt., to 7th Comp. 6th Batt.—C. Aug. 3.
Campbell, G., Lieut. Artill., posted to 4th Troop, 3d Brigade, Horse Artillery.—C. Aug. 3.
Clemishaw, T., Assist.-Surg., to do duty with the 67th N. I.—C. Aug. 3.
Christie, Cadet, to do duty with 2d Brigade Horse Artillery.—C. Aug. 4.
Castell, J., Surg., 7th Light Cav., to visit the Presidency.—C. Aug. 3.
Curtis, C. J., Cadet, prom. to Ens.—B. Aug. 10.
Constable, G., Lieut., 13th N. I., to be Capt., v. Blackley, prom.—B. Aug. 10.
Cruickshanks, W. D., Lieut., 17th N. I., to be Capt., v. Luyken, prom.—B. Aug. 10.
Curry, R. C., Lieut., 17th N. I., to be Capt., v. Kingston, deceased.—B. Aug. 10.
Cam, C. C., Ens., posted to 14th N. I.—B. Aug. 16.
Cristall, J., Ens., posted to 8th N. I.—B. Aug. 16.
Collier, C. F. M., Adm. Assist. Surg.—B. Aug. 16.
Caghan, W., Lieut. Artill., to have charge of the Ordnance Store Dep.—B. Sept. 13.
Cleather, T., Lieut., Artill., to act as Adj. to the Golandauze batt. during the absence of Lieut. White—B. Sept. 16.
Crawley, C., Capt., to be Brig. Major v. Rose dec.—B. Sept. 13.
Cazalet, W., Capt., 13th N.I., app. to the charge of Commis. duties, with troops proceeding from Poonah.—B. Sept. 13.
Gorbet, P., Capt., 12th N.I., on furl. to Eur. for health.—M. Sept. 21.
Colbeck, H., Ens., 4th N. I., on furlough to Europe for health.—M. Sept. 25.
Catton, F. C., Lieut., Assist. to the Superintend. Engin. in Malabar and Camara, to be attached to the force in Dooab.—M. Sept. 25.
Cole, R. M., admitted Assist. Surg., and app. to do duty at Fort St. George.—M. Oct. 2.
Cotton, E. G., Ens., posted to 10th N. I.—M. Oct. 5.
Compton, C. F., Ens., posted to 21st N.I.—M. Oct. 5.
Coxwell, J. A. S., Ens., posted to 43d N. I.—M. Oct. 5.
Croft, 2d Lieut., posted to 2d batt. Artill.—M. Sept. 27.
Clubley, J. K., Major, 3d Light Cav. to visit Neilgherry Hills for health.—M. Oct. 4.
Coffin, J. C., Lieut., 12th N.I., to be Fort Adj. at Fort St. George, v. Wilson.—M. Sept. 14.
Chinnery, U. C., Lieut., 4th N.I., to be Adj., v. Church dec.—M. Sept. 14.
Cox, R. T., Lieut., 12th N.I., to be Adj., v. Peil.—M. Sept. 14.
Clubley, J. K., Major, 2d L. Cav., to take rank, v. Parker, dec.—M. Aug. 24.
Claridge, T. S., sen. Lieut., 34th C. L. I., to be Captain, v. Hodgson, retired.—M. Aug. 24.
Drummond, Lieut.-Colonel, Inspecting-Engineer, Surat Division of the army, permitted to visit the Presidency.—B. Sept. 14.
Davis, John, Lieut. 11th N. I., to take charge of the Commis. Depart. of the Poonah troops, v. Cazalet.—B. Sept. 19.
Dampier, W., Mr., to be Commissioner in the Sunderbunds.—C. Aug. 23.
Downes, E. T., Assist.-Surg., on furl. to Penang and Singapore.—C. Aug. 23.
Davis, W. W., Major, 18th N. I., on furl., at Presidency for health.—C. Aug. 31.
Dawkins, F. H., Lieut., Aid-de-Camp, to the Com.-in-Chief, posted to Cawnpore.—C. Aug. 28.
Dougan, R. F., Lieut., Extra Aide-de-Camp, to Com.-in-Chief, posted to Cawnpore.—C. Aug. 28.
De Lancy, Jas., Mr., to be Register of the Zillah Court, Ferruckabad.—C. August 2.

- D'Oyly, T., Lieut., (Brevet Capt.,) to act as Adjutant to the detachment, 6th batt. of Artill., at Dum-Cum.—C. August 3.
- Dalziel, Lieut., Artill., appointed Aid-de-Camp to the Gov. Gen.—G. Aug. 3.
- Dashwood, F., 1st Lieut., (Adj.) to come on the strength of the army, v. Patson, prom.—C. Aug. 3.
- Dallard, W., Assist.-Surg., to rejoin the 5th batt. of Artill.—C. Aug. 3.
- Denty, H. F., Major, 53d N. I., to visit the Presidency.—C. Aug. 4.
- Drever, T., Assist.-Surgeon, (M. D.,) rem. from 53d to 11th N. I.—C. Aug. 4.
- Down, J. S., Lieut., 1st Gren. reg., placed at disposal of Com.-in-Chief.—B. Aug. 9.
- Davidson, D. D., Lieut., 17th N. I., placed at disposal of Com.-in-Chief.—B. Aug. 3.
- Davis, T. Lieut., 11th N. I., to be Capt. v. Molesworth, prom.—B. Aug. 10.
- Dickson, T., Lieut. 13th N. I., to be Capt., v. Roberts, prom.—B. Aug. 10.
- Dun, George, Ens., posted to 3d N. I.—B. Aug. 16.
- Donaldson, A. C., adm. Cadet, and prom. to Ens.—B. Sept. 6.
- Denton, the Rev. R. A., permitted to place his serv. at the disposal of the Government of Fort Cornwallis.—M. Oct. 2.
- Erskine, Mr., to be jun. Assist. to the Judge, and Session Judge of Almedunggar, for Candeish.—B. Sept. 1.
- Ellis, J. G., Ens. 69th N. I., on furl. to China, and the Cape of Good Hope for health.—C. Aug. 3.
- Echalar, C. A., Cadet, prom. to Ens.—B. Aug. 10.
- Elwood, C. W., Lieut. Col. Inf. to take rank, v. Shuldham, prom.—B. Aug. 10.
- Elder, J., Major, 1st Eur. regt. to be Lieut. Col. v. Maw, prom.—B. Aug. 10.
- Eastwiche, W. J., Ens., posted to 12th N. I.—B. Aug. 16.
- Edmonds, Thos., Mr., Adm. Cadet, and prom. to Ens.—B. Sept. 6.
- Elden, A., Lieut., 1st Eur. reg. to be Personal Brigade Maj. to the officer commanding the Doosab field force.—B. Sept. 13.
- Ewing, J., Major, 1st N. I., to visit the Presidency for health.—M. 20.
- Fallon, D., Assist. Surg. returned to duty.—B. Aug. 31.
- Finch, the Hon. J., Lieut. Col., (C. B.) Military Sec. to Com. in Chief, posted to Cawnpore.—C. Aug. 28.
- Fisher, J., Lieut., 1st N. I., to visit Gorruckpore.—C. Aug. 3.
- French, P. S., Lieut., 23d N. I., to be Quar. Mas. and Inter. v. Ramsay.—B. Aug. 17.
- Frederick, E., Lieut.-Col., returned to his duty.—B. Aug. 10.
- Frederick, J. E., Ens., 18th N. I., to be Lieut. v. Pelly, dec.—B. July 29.
- Fearon, P., Major, 6th N. I., to be Lieut.-Col. v. Tovey, retired.—B. Aug. 10.
- Fisher, G., Lieut., 12th N. I., to be Capt. v. Reid, prom.—B. Aug. 10.
- Forster, J. T., Lieut., 15th N. I., to be Capt. v. Saunders, prom.—B. Aug. 10.
- Fawcett, J., Lieut. 6th N. I., to be Capt. v. Taylor, prom.—B. Aug. 10.
- Frederick, T. L., Ens. posted to 25th N. I.—B. Aug. 16.
- Fortune, P., Lieut., 26th N. I., to be Adj. of the Native Vet. Batt.—B. Sept. 13.
- Fleming, H. S., Assist. Surg., (M. D.,) to be permanent Assist. and Hosp. Store-keeper in the Garrison Fort George.—M. Sept. 25.
- Farran, C., Lieut.-Col. Com. 14th N. I., to command Trichinopoly, v. Wihat, on furl.—M. Oct. 2.
- Fraser, H., sen. Cornet 5th Cav., to be Lieut. v. Gaitskell, invalided.—M. Aug. 24.
- Furloge, W. T., Ens., 34th C. L. I., to be Lieut. v. Claridge, prom.—M. Aug. 24.
- Grafton, A., Capt., Surveyor in the Deccan, services placed at the disposal of the Com. in-Chief.—B. Sept. 15.
- Green, Edw., Mr., Adm. Cadet of Inf. and prom. to Ens.—B. Aug. 30.
- Graham, D., Ens., posted to 31st N. I., Neemuch.—C. Aug. 28.
- Grant, C., 1st Lieut. rem. from 1st to 3d troop 1st brigade Horse Artill.—C. Aug. 28.
- Grant, C. S., Assist. Surg. posted to 4th extra reg.—C. Aug. 3.
- Gaitskell, Lieut. Artill. to do duty with the div. at Benares.—C. Aug. 4.
- Garrett, W. T., Lieut., Artill., to be Adj. and Quar. Mas. to 2d Batt. v. D'Oyly.—C. Aug. 4.

- Griffiths, C., Capt., 37th N. I., to visit the Presidency.—C. Aug. 3.
 Gordon, T. R., Lieut., 25th N. I., on furl. to sea for health.—B. Aug. 9.
 Garraway, C., Lieut.-Col., Inf., to take rank on the augmentation.—B. Aug. 10.
 Gibbon, J., Major, 5th N. I., to be Lieut.-Col., v. Pierre, prom.—B. Aug. 10.
 Gordon, W., Major, 11th N. I., to be Lieut.-Col. v. Robertson, prom.—B. Aug. 10.
 Graham, J., Major, 12th N. I., to be Lieut.-Col. v. Meall, prom.—B. Aug. 10.
 Gunter, H. S., Ens., posted to 2d Eur. reg.—B. Aug. 16.
 Gwinnett, J., Ens., posted to 4th N. I.—B. Aug. 16.
 Goslin, N., Ens., posted to 15th N. I.—B. Aug. 16.
 Goodfellow, W. B., Lieut., to be Assist. to the Superint. Engin. at the Presidency.—B. Sept. 12.
 Goodenough, E., Ens., posted to Inf. Depot.—M. Oct. 5.
 Grant, C., Lieut.-Col., (C. B.) of his Majesty's 54th reg. to command the troops in Malabar and Canara, v. M'Bean, on furl.—M. Sept. 14.
 Gunthorpe, J. H., Lieut., 2d brig. Horse Artill. on furl. to Musilipatam, for health.—M. Sept. 20.
 Grant, J. Lieut. 5th Light Cav. to take rank, v. Forster, res.—M. Aug. 24.
 Hopkins, H., Lieut., 1st Extra Batt., to be Adj. 6th N. I. v. Hunter.—B. Sept. 19.
 Hunter, C., Lieut., 16th N. I., to be Adj. 1st Extra Batt. v. Hopkins.—B. Sept. 19.
 Hislop, W., Lieut., to be second Assist. to the President at Delhi, and Agent to the Gov.-Gen. for the affairs of Rajpoota.—C. Aug. 17.
 Haselwood, A. M., Mr., adm. Cadet of Inf., and prom. to Ens.—B. August 30.
 Hamilton, C. W., Lieut. Col., rem. from 64th N. I. to 1st Eur. reg.—C. Aug. 25.
 Hunter, J., Major, 58th N. I., to remain at Presidency on account of the state of his wound.—C. Aug. 25.
 Harrington, T. L., Cadet, posted to 6th Light Cav., Sultanpore, Benares.—C. Aug. 28.
 Hamilton, J. J., Capt., Assist. Adj. Gen. posted to Cawnpore.—C. Aug. 28.
 Hart, Assist. Surg., app. to 52d N. I. to join the Wing at Ahyab.—C. Aug. 28.
 Hastings, W. C., Ens., rem. from 53d to 51st N. I.—C. Aug. 2.
 Holmes, G., Capt., 7th N. I. on furl. to the Presidency.—C. Aug. 2.
 Hay, J., Lieut., 40th reg., N. I., to be Adj. v. Rebe.—C. Aug. 4.
 Hewitt, W. A., Capt., 5th N. I. to be Major, v. Gibbon, prom.—B. Aug. 16.
 Hughes, G. A., Lieut., 15th N. I., on furl. to sea for health.—B. Aug. 18.
 Hortridge, S. H., Ens., posted to 18th N. I.—B. Aug. 16.
 Hamilton, W., Cornet, posted to 1st Light Cav.—B. Aug. 16.
 Hamilton, W. A., Cornet, posted to 2d Light Cav.—B. Aug. 16.
 Hay, W. F., Cornet, posted to 3d Light Cav.—B. Aug. 16.
 Hayea, D., Ens., 28th N. I., perm. to resign.—M. Sept. 14.
 Humphreys, S. J., Assist. Surg., 5th L. Cav., on furl. to Neilgherry Hills, for health.—M. Sept.
 Hitchins, B. R., Capt., 31st N. I., to be Dep. Adj. Gen. of the Army, v. Caddell, retired.—M. Sept. 7.
 Hunter, G., Sen., Major, 13th N. I., to be Lieut. Col. v. Caddell, retired.—M. Sept. 7.
 Hammond, P., 1st Lieut. Artill. to be Capt. v. Brooke, dec.—M. Sept. 14.
 Hill, J., Temp. Sub., Assist. Com. Gen. to be Sub. Assist. Com. Gen. v. M'Leod.—M. Aug. 24.
 Harrington, W. D., Lieut. 7th L. Cav., to be Capt. v. Bullock.—M. Aug. 24.
 Haig, J. R., Capt., 34th C. L. I., to take rank, v. Hart, ret.—M. Aug. 24.
 Hochin, J. W., Ens., posted to 18th N. I.—B. Aug. 16.
 Hudson, R., Ens., posted to 2d Gren. N. I.—B. Aug. 16.
 Hogg, C. R., Ens., posted to 2d Eur. reg.—B. Aug. 16.
 Holmes, R. J., Ens., posted to 26th N. I.—B. Aug. 16.
 Hawkins, A. S., Ens., 8th N. I., to be Lieut., v. Sandwith, prom.—B. Sept. 8.
 Head, C. Capt., of H. M.'s 2 Foot, to be Dep. Assist. Quar. Mast. Gen. to the detach. proceeding on field serv. from Poonah.—B. Sept. 13.
 Hagart, C., Lieut., 1st Eur. reg., to act as Adj. during the absence of Lieut. Elder. B. Sept. 12.

- Halliwell, John, the Rev., app. to the charge of the Black Town Chapel, ospital, and Jail.—M. Oct. 2.
- Hillyard, H. T., Ens., posted Inf. Depot.—M. Oct. 5.
- Howison, J., Capt., 6th N. I., to do duty with 2d N. I.—M. Oct. 3.
- Jeanings, W. R., Mr., to be Collector of Patna.—C. Aug. 23.
- Johnson, W. T., Lieut., 26th N. I., on furlough, to the Presidency for health.—C. Aug. 24.
- Johnstone, G. H., Capt., 26th N. I., on furlough, at the Presidency for health.—C. Aug. 25.
- Johnson, W., Ens., posted to 28th N. I.—B. Aug. 16.
- Jessop, John, Mr., admitted Cadet, and prom. to Ens.—B. Sept. 6.
- Jeffries, R., Major, 6th L. C., transferred to Invalid Estab.—M. Sept. 7.
- Kempland, G. A., Capt., 8th N. I., on furlough to Presidency.—C. Aug. 2.
- Kempe, R. R., First Lieut., Art., removed from 4th troop, 2nd Brig. to 4th troop 3d Brig.—C. Aug. 3.
- King, C. P., Major, 4th Light Cav. on furlough.—C. Aug. 3.
- Keys, W., Lieut., 5th N. I., placed at disp. of Commander-in-Chief.—B. Aug. 9.
- Kingston, B., Capt., 17th N. I., to take rank v. Ellis dec.—B. Aug. 10.
- Kennedy, H. S., sen., Ensign, 18th N. I., to be Lieut. v. Holland res.—M. Aug. 24.
- Lewis, J., Mr., to be Collect. of Patna.—C. Aug. 23.
- Le Geyt, P. W., Mr., to be Act. Sen.-Assist. to the Judge and Session Judge of Ahmednuggur and Candesh.—B. Sept. 1.
- Law, M., Capt., Dep.-Com. of stores at the Presidency, to visit Poonah.—B. Aug. 17.
- Laurance, Thomas, Mr., to succeed as Assist.-Surg.—B. Aug. 10.
- Long, S., Capt., 2d Assist. Com.-Gen. in Cutch, to visit the Presidency.—B. Aug. 10.
- Lodwich, P., Lieut.-Col., Inf., to take rank v. Hogg, prom.—B. Aug. 10.
- Luyken, J. H. M., Capt., 17th N. I., to be Major v. Sykes prom.—B. Aug. 10.
- Leighton, A., Capt., 21st N. I., to be Major v. Noble prom.—B. Aug. 10.
- Lang, W., Lieut., 21st N. I., to be Capt. v. Leighton prom.—B. Aug. 10.
- Lynch, E. P., Ens., posted to 16th N. I.—B. Aug. 16.
- Lush, C., Mr., M. D., adm. Assist.-Surg.—B. Aug. 16.
- Laurence, C., Mr., M. D., admitted Assist.-Surg.—B. Aug. 16.
- Lee, B. W., Lieut.-Col., 11th N. I., returned to duty Sept. 17, rem. to 43d N. I.—M. Oct. 5.
- Lowe, T., Ens., posted to 43d N. I.—M. Oct. 5.
- Leatham, J. G., Ens., rem. from 1st to 33d N. I.—M. Sept. 28.
- Lord, H. F., Lieut., 5th Light Cav. to take rank, v. Gorton, dec.—M. Aug. 24.
- Metcalfe, Sir C. T., Bart., to be Provisional Member of the Supreme Council of Fort William.—C. Aug. 24.
- Moore, R. F., Hon., to be Assist. to the Superintend. and Political Agent at Ajmere.—C. Aug. 17.
- Moore, J., Major, Artill., returned to duty.—B. Aug. 28.
- Manoe, David, Ens., 2d N. I., to be Lieut. v. Handy, dec.—B. Sept. 4.
- Montgomerie, E., Mr., to be sen. Assist. to the Judge, and Criminal Judge in the Northern Concan.—B. Sept. 1.
- Mackenzie, J., Capt., 2d Assist. Hon. Com. Stud, in charge of the Buxar Depot, on furl. to the Presidency.—C. Aug. 31.
- M'Laren, J., Capt. 16th N. I., on furl. to the Presidency, for health.—C. Aug. 24.
- Muston, E., Surgeon, 58th N. I., on furl. to the Presidency.
- Molyneux, Sub.-Assist. Vet. Surg., 1st Light Cav., to be enrolled on the list of apothecaries.—C. Aug. 25.
- Manle, W. M., Ens., posted to 7th N. I., Berhampore.—C. Aug. 28.
- Morrison, R., Ens., to do duty with the 44th N. I., at Dacca.—C. Aug. 24.
- Mundy, G. C., Capt., Aid-de-camp to Com.-in-Chief, posted to Cawnpore.—C. Aug. 28.

- Macdonald, Lieut.-Col. (K. H.) Adj. Gen. of his Majesty's forces posted to Cawnpore.—C. Aug. 28.
- M'Clintosh, G. F., Lieut. 4th Light Cav., on furl. to the Presidency.—C. Aug. 28.
- Mathews, Lieut. 43d N. I., to do duty with the 61st N. I.—C. Aug. 31.
- Mason, C. O., Capt. 10th Light Cav. on furl. to the Presidency.—C. Aug. 31.
- M'Bean, G., 1st Lieut. Artill. rem. from 4th troop 3d brig. to the 4th foot 2d brig.—C. Aug. 3.
- Montgomerie, W., Assist. Surg. Assist. to the Medical Charge of the detachment of the 6th Batt. Artill. at Dum-Dum.—C. Aug. 3.
- Marten, Mr. T. P., to be Assist. to the Magis. and to the Collec. of Barsilly.—C. Aug. 2.
- M'Murdo, A. E., Lieut. to Artil. as Interp. and Quar. Mas. to the 33d. N. I.—C. Aug. 3.
- Marcar, S., Capt. 35th N. I., to visit the Presidency.—C. Aug. 3.
- Mainwaring, C. J., 1st N. I., to visit the Presidency.—C. Aug. 3.
- Melville, P. M., Lieut. 7th regt. placed at disp. of Com.-in-Chief.—B. Aug. 9.
- Macvish, Colin, Assist. Surg. returned to duty.—B. Aug. 10.
- Miller, W. A., Lieut. Madras Rifle Corps, on furl. to sea.—B. Aug. 10.
- Morse, J., Lieut. Inf. to take rank, v. retired. B. Aug. 10.
- Maw, N. C., Lieut.-Col. Inf. to take rank, v. Prother, dec.—B. Aug. 10.
- Meall, W., Lieut.-Col. Inf. to take rank, v. Egan, prom.—B. Aug. 10.
- M'Keeven, P. Capt. 6th N. I., to be Major, v. Fearon, prom.—B. Aug. 10.
- Molesworth, J. T., Capt. 11th N. I., to be Major, v. Gordon, prom.—B. Aug. 10.
- Macan, Samuel, Ens. posted to 17th N. I.—B. Aug. 16.
- Mitchell, W. C., Ens. posted to 13th N. I.—B. Aug. 16.
- Mitchell, T., Lieut., 15th N. I., to be Quar. Mas. and Interp. v. Sandwith, prom.—B. Sept. 6.
- Meadows, A., Ens., 18th N. I., to be Lieut. v. Doherty, dec.—B. Sept. 13.
- Macpherson, S. C., Ens., rem. from 9th to 8th N. I.—M. Sept. 26.
- Mawsley, 2d Lieut., posted to 2d Bat. of Artil.—M. Sept. 27.
- Macauley, C., Maj., and Col., rem. from 10th to 52d N. I.—M. Oct. 4.
- M'Curdy, E. A., Capt., 27th N. I., leave of absence enlarged.—M. Oct. 4.
- Montgomery, H., Lieut. 1st Brig. Horse Artill., to visit Nellore.—M. Oct. 4.
- M'Leod, A., Lieut. 5th Lt. Cav., to visit the Presidency.—M. Oct. 4.
- Molony, E., Mr., to be officiating Secretary to Government in the General Department.—C. Sept. 20.
- Mackenzie, H., Lieut. 34th C. L. I., to take v. Haig, prom.—M. Aug. 24.
- M'Neil, M., sen., Lieut. Lt. 6th Cav., to be Capt. v. Russell, prom.—M. Sept. 14.
- Munsey, T. A. A., Lieut. 1st Lt. Cav., to be Adj. v. Mulken.—M. Sept. 14.
- M'Lean, T., sen., Ens. 39th N. I., to be Lieut. v. Warren, dec.—M. Sept. 14.
- M'Leod, R., Capt., Dep.-Assist. Commis.-Gen., to be Assist.-Commis.-Gen. v. Tullork.—M. Aug. 24.
- Nisbet, J., Assist.-Surg. to do duty with the 47th Foot.—C. Aug. 28.
- Noble, G., Maj. 21st N. I., to be Lieut.-Col. v. Lodwick, prom.—B. Aug. 10.
- Nettlefold, W. S., Ens., posted to 3d N. I.—B. Aug. 16.
- Nelson, T., Ens., posted to 21st N. I.—B. Aug. 16.
- Nicolls, Sir J., Maj.-Gen., (H. C. B.) prom., to proceed to Calcutta.—M. Oct. 2.
- Nicolay, T. F., Ens., posted to 29th N. I.—M. Oct. 5.
- Newmarch, W., Maj. 7th Lt. Cav., to Lieut.-Col. v. Reddell, prom.—M. Aug. 24.
- Otley, P. D., Brig.-Maj., to accompany the troops to Poonah, and to have charge of the Bazar Dep.—B. Sept. 19.
- Ogilvy, D., Lieut. 15th N. I., on furl. to Barrielly for health.—C. Aug. 28.
- O'Dwyer, J., Assist.-Surg., app. to Rungpore, Lt. Inf.—C. Aug. 3.
- Oliver, E., Assist.-Surg., 4th Extra Regiment, to proceed to the Presidency.—C. Aug. 3.
- Oldfield, C. J., Lieut. 4th Reg., to do duty with 2d Extra N. I., at Futtageur.—C. Aug. 4.
- Ore, A., Lieut. 1st Eur. Reg., rem., to 25th Reg., brought on the effective strength v. Watts, prom.—B. Aug. 10.
- Outram, T., Lieut., to Executive Engineer at Poonah.—B. Sept. 8.

- O'Connor, H. E. C., Lieut. 32d N. I., returned to duty.—M. Sept. 19.
 Orn, 2d Lieut., posted to 2d Bat. Artil.—M. 27.
 Onslow, W. C., sen., Ens., 44th N. I., to be Lieut. v. Baben, dec.—M. Sept. 14
 Otter, R. F., Lieut. 28th N. I., to be an Assist.-Surveyor of the 2d Clas
 —M. Sept. 14.
- Pelly, F., 2d Lieut. Engineers, app. Assist. to the Execut. Engin. at Poonah.—B.
 Sept. 14.
 Prior, Lieut, 21st N. I., to take charge of the Ordnance Dep. in the absence o
 Lieut. Stanton.—B. Sept. 19.
 Pitcher, Billinghamurst, Mr., admitted Veterinary Surgeon.—B. Aug. 30.
 Pearce, C., Capt. 22th N. I., to superintend the posting of the young Cadets.—
 C. Aug. 28.
 Parry, R. B., Veterin. Surg., posted to 1st Brig. of Horse Artill., at Cawnpore.
 —C. Aug. 31.
 Palsgrave, J. H., Assist. Surg. on furl., to the Presidency.—C. Aug. 5.
 Paton, James, 1st Lieut., rem. from 2d Troop 2d Brig. Horse Artill. to the 1st
 Comp. 6th Batt.—C. Aug. 3.
 Page, H. E., Capt. Staff, on leave for health.—C. Aug. 3.
 Pew, J., Capt. 4th N. I., on furl. to sea for health.—B. Aug. 3.
 Parr, Samuel, Ens., 22d N. I., to be Lieut. v. Barlow, deceased.—B. Aug. 10.
 Pierce, T., Lieut. Col. Inf., to take rank, v. Staunton, dec.—B. Aug. 10.
 Preston, J. J., Lieut. Col. Inf., to take rank, v. Medford, dec.—B. Aug. 10.
 Pulling, G. C., Lieut. 2d Eur. reg., to be Capt. v. Watkins, prom.—B. Aug. 10.
 Pearson, E., Major 15th N. I., to be Lieut. Col., v. Stanley, prom.—B. Aug. 10.
 Pope, J., Lieut. 17th N. I. to take rank, v. Campbell, dec.—B. Aug. 10.
 Phipps, W. P., Lieut., 22d N. I., on furl. to Eur. for health.—B. Sept. 12.
 Peil, E., Lieut. 12th N. I., to be Quar. Mast., &c., v. Coffin.—M. Sept. 14.
 Palmer, J., Capt. 5th L. Cav., on furl. to Neilgherry hills for health.—M.
 Sept. 20.
 Perrier, Thos., Lieut. and Adj. 5th N. I., on furl. to Neilgherry hills, for health.
 —M. Sept. 20.
 Prescott, R., Cornuet, posted to 3d L. Cav.—M. Oct. 5.
 Poole, Lieut., 5th N. I., to do duty with the 23d regt. Light Inf.—M. Oct. 5.
- Ramsay, H. N., Lieut. 24th N. I., to act as Quart. Mrst. and Interp. to the 1st
 Extra Batt., in the absence of Lieut. Woodburn.—B. Sept. 19.
 Roe, T., Capt., to take charge of the Assist. Adj. Geo. Office, Guicawan Subsidiary
 Force, in the absence of Capt. T. Leighton.—B. Sept. 19.
 Rebe, Lieut. and Adj. 35th N. I. to be Interp. and Quar. Mast. of the 58th N. I.—
 C. Aug. 4.
 Ross, C. G., Lieut. Staff Aid-de-camp, to visit Lucknow, for health.—
 C. Aug. 3.
 Ramsay, E. P., Lieut. 23d N. I., to be Adj. v. Barlow, dec.—B. Aug. 16.
 Reynolds, W., Lieut. 11 regt., placed at disp. of Com. in Chief.—B. Aug. 9.
 Roberts, W. H. C., Cadet, prom. to Cornet.—B. Aug. 10.
 Robertson, A., Lieut. Col. Inf. to take rank, v. Tovey, retired. B. Aug. 10.
 Ridout, T., Lieut. 6th N. I., to be Capt. v. M'Keeven prom.—B. Aug. 10.
 Reid, A. T., Capt. 12th N. I., to be Lieut. v. Graham prom.—B. Aug. 10.
 Roberts, H. G., Capt. 13th N. I., take rank in succession v. Clarke deceased
 —B. Aug. 10.
 Rawlinson, W. E., Ens., posted to 2d Eur. Reg.—B. Aug. 16.
 Renney, J. W., E., posted to 19th N. I.—B. Aug. 16.
 Rawley, G., Lieut. 2d Light Cav., on furlough to Europe for health.—B. Sept. 8.
 Redmond, J. J., Ens., posted to 9th N. I.—M. Oct. 5.
 Robertson, C. M., Capt. 11th N. I., to take charge of the young officers pro-
 ceeding to Bangalore, Gooty and Bellary.—M. Sept. 28.
 Russell, R. H., Sen. Capt. 6th Light Cav., to be Major v. Jeffries invalided.
 —M. Oct. 5.
 Riddell, M., Lieut.-Col. Cavalry to take rank v. Gillespie deceased.—M. Aug. 24.

- Stephenson, R. T., Ens., 18th N. I., to be Lieut. v. Willoughby promoted.—B. Sept. 13.
- Stewart, Assist.-Surg., returned to duty.—B. Aug. 28.
- Stevens, S. J., Ens. 21st N. I., to be Lieut. v. Beck dec.—B. Aug. 31.
- Sleeman J., Ens., posted to 46th N. I., Dinapore.—Aug. 28.
- Stevenson, R., Lieut.-Col. Com. (C. B.) Quart.-Mast. Gen., posted to Cawnpore.—C. Aug. 28.
- Sage, J. C., Lieut. 4th Ext. N. I., furlough extended.—C. Aug. 5.
- Sully, B. C., Assist.-Surg., to do duty with H. M's 59th Foot at Berhampore.—C. Aug. 3.
- Sotheby, F. S., Capt. Artill. rem. from 7th Comp. 6th Batt., to 3d Comp. 4th Batt.—C. Aug. 3.
- Sylvester, J., Assist.-Apoth. at Dum-Dum, to do duty at the General Hospital.—C. Aug. 4.
- Smith, W. A., Lieut. 57th N. I., leave of absence extended.—C. Aug. 3.
- Sanders, H., 2d Lieut. Artill., to visit Runagpore.—C. Aug. 3.
- Smith, G., Assist.-Surg., 31st N. I., on furlough for health.—B. Aug. 21.
- Starke, R., Lieut. 1st Gren. Reg. placed at disposal of Com.-in-Chief.—B. Aug. 9.
- Stewart, T. R., Cadet, prom. to Ens.—B. Aug. 10.
- Sinclair, J., Cadet, prom. to Ens.—B. Aug. 10.
- Stephenson, R. T. Mr., adm. Cadet for Inf.—B. Aug. 10.
- Stanley, W. H., Lieut.-Col. Inf., to take rank v. Tucker deceased.—B. Aug. 10.
- Sheriff, J., Major, 2d Eur. Reg. to be Lieut.-Col. v. Preston prom.—B. Aug. 10.
- Stamper, R., Major 13th N. I., to be Lieut.-Col. v. Morse prom.—B. Aug. 10.
- Stock, T., Ens., posted to 23d N. I.—B. Aug. 16.
- Saunders, J., Capt. 15th N. I., to be Major, v. Pearson, prom.—B. Aug. 10.
- Sykes, W. H. Major, 17th N. I., to be Lieut.-Col., v. Garraway, promoted.—B. Aug. 10.
- Stuart, R. D. Ens., posted to 14th N. I.—B. Aug. 16.
- Shaw, P., Ens., posted to 22d N. I.—B. Aug. 16.
- Sandwith, H., Lieut., 8th N. I., to be Capt., v. Sharp discharged.—B. Sept. 8.
- Salmon, H. L. Cornet, 2d Light Cav., to Lieut. v. Brooks prom.—B. Sept. 8.
- Spratt, W. Capt., 4th N. I., to command the Nat. Vet. Batt.—B. Sept. 16.
- Stirling, W., Capt. 17th N. I., to command 2d extra Batt., v. Spratt.
- Sandys, J., Lieut., 19th N. I., returned to duty.—M. Sept. 17.
- Stewart, W., Capt., 2d Eur. reg., placed at the disposal of the Resident at Hyderabad.—M. Sept. 2.
- Stephenson, E. I., Cornet, posted to 1st Lt. Cav.—M. Oct. 5.
- Stapleton, J. H., Ens., posted to 2d N. I.—M. Oct. 5.
- Slack, E. Ens., posted to 21st N. I.—M. Oct. 5.
- Sharp, G. W., Ens., posted to 33d N. I.—M. Oct. 5.
- Sherard, C., Ens., posted to 43d N. I.—M. Oct. 5.
- Seage, J., Ens., posted to Inf. Depot.—M. Oct. 5.
- Sibbald, J., Ens., posted to Inf. Depot.—M. Oct. 5.
- Salmon, H., Capt., 14th N. I., leave of absence enlarged.—M. Oct. 4.
- Steinson, P., Lieut., 18th N. I., to visit the Presidency.—M. Oct. 4.
- Swinton, George, Mr., to be Officiating Chief Sec. to Government.—C. Sept. 20.
- Swaine, T., Capt., 49th N. I., to be Postmaster at Bangalore, v. Wilson, prom.—M. Sept. 14.
- Shirriffs, A., Lieut., Rifle Corps, to visit the Presidency.—M. Sept. 20.
- Sharpe, T., Lieut., 43d N. I., to visit the Presidency.—M. Sept. 20.
- Shaw, W. Capt., 18th N. I., on furl. to the Cape of Good Hope.—M. Sept. 7.
- Stokes, J. D., sen. Lieut., 4th N. I., to be Capt. v. Metcalfe, invalided.—M. Aug. 24.
- Sprye, R. S. M., sen. Ens., 8th N. I., to be Lieut. v. Holland, res.—M. Aug. 24.
- Turner, H. T. 1st Lieut. of Engineers, Upp. Exec. Engin. at Surat and Broach.—B. Sept. 14.
- Turner, T. M. B., Mr., adm. Cadet of Engin., and prom. to 2d Lieut.—B. Aug. 30.
- Tierney, J., Lieut., doing duty with the 25th N. I. posted to the 40th reg.—C. Aug. 24.
- Turner, John, Surgeon, posted to 61st N. I.—C. Aug. 30.

- Turner, C., Veterin. Surg., posted to 9th Lt. Cav. at Cawnpore.—C. Aug. 31:
 Thomson, A. Assist. Surg., Rungpore, Lt. Inf., to proceed to the Presidency.—
 C. Aug. 3.
- Tovey, Hamilton, Lieut.-Col., Bomb. Estab., permitted to retire.—B. Aug. 10.
- Topham, William, Cadet, prom. to Ens.—B. Aug. 10.
- Taylor, T. E., Lieut., 12th N. I., to take rank v. Sellwood, res.—B. Aug. 10.
- Taylor, R., Capt., 6th N. I., to be Major v. Fearon, prom.—B. Aug. 10.
- Thatcher, W., Ens., 6th N. I., to be Lieut. v. Fawcett, prom.—B. Aug. 10.
- Tarlton, Thomas, Cadet, posted to Artill., to rank as Lieut.—B. Aug. 16.
- Turnbull, J. C., Ens., posted to 43d N. I.—M. Oct. 5.
- Tremlett, H. A. Ens. posted to 43d N. I.—M. Oct. 5.
- Thatcher, H. Ens., posted to Inf. Depot.—M. Oct. 5.
- Thomson, E. P., Esq., to be Head Assist. to the Principal Collector, and Assist.
 Magistrate in Cuddaput.—M. Sept. 21.
- Tulloch, A. Capt., Dep. in the Commis. Depart., to be Dep. Com. Gen., v.
 Grant, dec.—M. Sept. 14.
- Thomas, G. H., Lieut., 7th Lt. Cav., to be Temporary Sub.-Assist.-Commis.-
 Gen.—M. Sept. 14.
- Unwin, J. S., Cadet, posted to Artill., to rank as Lieut.—B. Aug. 16.
- Underwood, J. J., Capt. Superint. Engin. in the Southern Div., to act as Superint.
 Engin. at Doosab.—M. Sept. 25.
- Willoughby, E. E. M., Lieut., 18th N. I., to be Captain, v. Addison invalided.
 —B. Sept. 13.
- Woodburn, A., Lieut., 35th N. I., to perform the duties of interpreter to the light
 battalion at Poonah.—B. Sept. 19.
- Westbrooke, P., Mr., admitted Cadet of infantry, and prom. to Ensign.—B.
 Aug. 30.
- Warden, J., Mr., to be 2d senior Assist. to the Judge and Session Judge of
 Poonah.—B. Sept. 1.
- Ward, J., Lieut.-Col., rem. from 1st Eur. reg. to 64th N. I.—C. Aug. 25.
- Wallace, F., Ens., posted to 18th N. I., Agra.—C. Aug. 28.
- Welford, H. P. Ens., posted to 67th N. I., Dinapore.—C. Aug. 28.
- Windsor, C., Ens., posted to 30th N. I., Cuttack.—C. Aug. 28.
- Wrottesley, H., Major, 56th N. I., furlough extended.—C. Sept. 1.
- Willan, Jos. Assist.-Surg., to take care of the Cadets proceeding up the river.
 —C. Aug. 28.
- Woodburn, J., Lieut. and Adj. 44th N. I., on furlough to the Presidency.—C.
 Aug. 31.
- Williamson, A. A., 25th N. I., to do duty with the 40th N. I.—C. Aug. 31.
- Wallace, N., Capt., 53d N. I., on furlough to the Presidency.—C. Aug. 2.
- Woodrooffe, G. H., Capt., Artill., rem. from 3d Comp. 4th Batt. to 1st Comp.
 3d Batt.—C. Aug. 3.
- Watts, E. R., Lieut., Artill., rem. from 1st Comp. 4th Batt., to 14th Comp. 6th
 Batt.—C. Aug. 3.
- Wade, Lieut., Artill., to do duty with the Div. at Benares.—C. Aug. 4.
- Watkins, H. S., Ens., 15th N. I., on furl. to Eur. for health.—B. Aug. 3.
- Watkins, C., Lieut., Bombay Estab., furl. to Eur. prolonged.—B. Aug. 10.
- Whitehill, C., Lieut.-Col. Inf., to take rank v. Mayne, prom.—B. Aug. 10.
- Watts, J., Capt., 1st Europ. Regt., to be Major, v. Elder, prom.—B. Aug. 10.
- Watkins, C. W., Capt., 2d Europ. Regt., to be Major, v. Sheriff, prom.—B.
 Aug. 10.
- Wood, H., Lieut., 5th N. I., (deceased) to take rank v. Hewitt, prom.—B.
 Aug. 10.
- Woodward, H. J., Ens., posted to 1st Europ. Regt.—B. Aug. 16.
- White, B., Mr., admitted Assist.-Surg.—B. Aug. 16.
- Wahab, George, Lieut.-Col.-Com. 20th N. I., on furlough to Europe for health.
 —M. Sept. 25.
- Willesford, R. V., Ens., posted to 38th N. I.—M. Oct. 5.
- Whitty, J. C., Ens., posted to 52d N. I.—M. Oct. 5.

- Whistler, J., Cornet, 6th Light Cav., to be Lieut., vice M'Neill, prom.—M. Sept. 14.
 Wahab, G., Lieut.-Col.-Com. 20th N. I., to the command at Trichinopoly, vice Hamilton, on furlough.—M. Sept. 14.
 Wilson, R. S., Capt., 21st N. I., to be Barrack-Master, vice Russell, prom.—M. Sept. 14.
 Walker, W., Lieut., 1st Light Cav., to be Quar.-Mast., Interp., and Pay-Mast., vice Buchanan.—M. Sept. 14.
 White, H., Capt., 7th N. I., to be Assist.-Adj.-Gen. of the Army, v. Hitchins.—M. Sept. 7.
 Wilson, J., Senior Capt. 13th N. I., to be Major, v. Hunter, prom.—M. Sept. 14.
 Wood, H. W., Ens., 4th N. I., to be Lieut., v. Stokes, prom.—M. Aug. 24.
 Watkins, A., Capt., 7th Light Cav., to be Major, v. Newmarch, prom.—M. Aug. 24.
 Yates, R. H., Lieut.-Col., 44th N. I., to visit the Presidency for health.—M. Oct. 4.

BIRTHS.

- Adam, the lady of George, Esq., of a son, at Bombay, Sept. 21.
 Arathoon, the lady of J., Esq., of a daughter, at Madras, Sept. 1.
 Ardugh, the lady of Capt. J. R., Deputy Judge Advocate-General, of a son, at Kamptee, July 30.
 Anstey, the lady of J. T., Esq., Civ. Serv., of a son, at Cocanadah, Sept. 30.
 Adam, the lady of the Rev. Wm., of a son, Calcutta, Sept. 29.
 Barber, the lady of Assist.-Surg., of a daughter, near Plassey, Aug. 20.
 Buchanan, the lady of Capt., 1st Light Cav., of a son, at Bangalore, Sept. 4.
 Burnett, the lady of Lieut., 2d Eur. Regt., of a son, at Bombay, Sept. 23.
 Baillie, the lady of George, Esq., Surg. to his Majesty of Oude, of a son, at Lucknow, Sept. 10.
 Bainbridge, the lady of Joseph, Esq., of a daughter, at Madras, Aug. 14.
 Blake, the lady of Capt. B., 45th Regt., of a daughter, at Madras, July 29.
 Clayton, the lady of Lieut.-Sub.-Assist.-Commis.-General, of a son, at Berhampore, Aug. 26.
 Chase, the lady of Capt. M. C., Commanding the Gov. Body Guard, of a son, at Madras, Aug. 26.
 Counsell, the lady of Lieut., of a son, at Cuttack, Aug. 22.
 Corfield, the lady of Lieut. and Adj. F. B., of a son, at Poorneah, Aug. 23.
 Clarke, the lady of L., Esq., Barrister-at-Law, of a son, at Calcutta, Sept. 19.
 Cadell, the lady of Lieut. George, of a daughter, at Madras, Oct. 4.
 Davidson, the lady of T. K., Esq., of a daughter, at Ballygunge, Aug. 25.
 De Verane, the lady of J. M., Esq., of a son, at Sojenpore, Kishnaghur, Aug. 20.
 D'Verinne, the lady of C., Esq., of a daughter, Calcutta, Sept. 8.
 Dewar, the lady of James, Esq., Barrister-at-Law, of a son, at Bombay, Sept. 9.
 Graeme, the lady of Lieut. C. H., 5th Cav., of a son, at Bangalore, Aug. 26.
 Golding, the lady of B., Esq., of a daughter, at Jessore, Sept. 7.
 Griffins, the lady of H. H., Esq., of a daughter, at Luckeepore, near Commeorally, Sept. 8.
 Haslaur, the lady of Capt., 25th N. I., of a son, at Titulya.—Aug. 20.
 Hobson, the lady of J., Esq., 1st European Reg., of a daughter, at Belgium.—Sept. 16.
 Hamilton, J. J., Capt., Assist. Adj.-Gen. of the army, of a daughter, at Garden Reach, Calcutta.—Sept. 26.
 Hackett, the lady of Lieut.-Col., of twin daughters, in camp, Jaulnah.—Aug. 15.
 Hawthorne, the lady of Capt., Depts.-Assist. Adj.-Gen., Dinapore Divis. of a son.—C. Aug. 18.
 Hawes, the lady of W., Esq., of a son, at Chowringhee, Sept. 12.
 Hay, the lady of Major P. M., of a son, at Chowringhee, Sept. 10.

- Hardy, the lady of Lient.-Col., Quar.-Mast.-Gen., of a son, at Bombay, Aug. 6.
 Hind, the lady of W. H. L. Esq., of a daughter, at Kidderpore, Aug. 9.
 Hughes, the lady of Capt. S., 50th N. I., of a son, at Mangalore, Sept. 29.
 Hessing, the lady of J. A. Esq., of a son.—Calcutta, Sept. 25.
 Houlton, the lady of Capt. S., 11th N. I., of a son, at Dinapore, Aug. 20.
 Luard, the lady of Capt., 16th Lancers, of a son, at Meerut, July 28.
 Lushington, the lady of Henry Esq., of a daughter, at Chowringhee, Calcutta, Aug. 24.
 Lee, the lady of Capt. S., of a daughter, at Calcutta, Sept. 3.
 Lowe, the lady of John, Esq., of a son, at Chowringhee, Sept. 21.
 Lowis, the lady of J., Esq., Civ. Serv., of a son, at Chowringhee, Sept. 26.
 Moore, the lady of Major G., 59th Reg., of a daughter, at Barrackpore, Aug. 20.
 Odell, the lady of Lieut., 25th N. I., of a daughter, at Masulipatam, Sept. 19.
 Pierce, the lady of Lieut.-Col., F. H., Horse Artill. of a son, at Bombay, Aug. 12.
 Poynton, the lady of Capt. W., of a daughter, at Colabah, Bombay, Aug. 9.
 Palmer, the lady of S. G., Civ. Serv., of a daughter, at Garden Reach, Calcutta, Sept. 19.
 Ripley, the lady of Lieut. 2d Eur. reg., of a daughter, at Ayra, Aug. 9.
 Russell, the lady of H. P., Esq., Civ. Serv., of a son, at Monghyr, Aug. 12.
 Rae, the lady of Lieut. 20th Foot, of a daughter, at Poonah, Sept. 5.
 Ray, the lady of the Rev. Edward, of a son, Calcutta, Sept. 15.
 Stubbs, the lady of W., Esq., of a daughter, at Surat, Aug. 29.
 Swan, the wife of the Rev. T., of Serampore College, of a son, at Serampore, Aug. 27.
 Sanderson, the lady of Capt., 9th Cav., of a son, at Cawnpore, Aug. 12.
 Strettell, the lady of C. G., Esq., of a son, Calcutta, Aug. 29.
 Simson, the lady of W., Esq., of a son, at Tannah, Sept. 21.
 Saunders, the lady of J., Esq., of a daughter, Bombay, Aug. 8.
 Swinhoe, the lady of T. B., Esq., of a daughter, Calcutta, Aug. 12.
 Scott, the lady of David, Esq., jun., Civ. Serv., of a son, at Burdwan, Aug. 14.
 Smalley, the lady of E., Esq., of a daughter, at Nellore, Oct. 8.
 Taylor, the lady of Lieut. R. 65th N. I., of a son, at Barrackpore, Aug. 18.
 Thompson, the lady of the late Thomas, Esq., of a daughter, Calcutta, Aug. 23.
 Thomson, the lady of G. P., Esq., of a daughter, at Comillah, Aug. 28.
 Trotter, the lady of E., Esq., of a son, Calcutta, Sept. 3.
 Turner, the lady of Capt. Wm., Fort Adj., of Agra, of a daughter, at Simla, Aug. 15.
 Wilkinson, the lady of F. E., Esq., Civ. Serv., of a daughter, at Mozufferpore, Tirhoot, Aug. 22.
 Williamson, the lady of Maj. 3d Lt. Inf., of a son, at Bangalore, Aug. 26.
 Wallace, the lady of Capt. J., Post-Master, Dooab. div. of a son, at Belgaum, Sept. 3.
 Wright, the lady of Capt. John, 40th reg., of a daughter, M. July 23.

MARRIAGES.

- Bruce, G. A., Capt., to Miss E. Masters.—Calcutta, Aug. 29.
 Benson, W. M., Esq., Civ. Serv., to Maria, third daughter of C. Scott, Esq. of Treadressa, Cornwall, at Humerpoor, Aug. 23.
 Clarke, H., Esq., to Helen Eliza Barfoot, daughter of J. Barfoot, Esq., Calcutta, Aug. 22.
 Clarke, Thomas, Esq. of H. C. Marine, to Miss E. F. Des-Cruslais, at Chander-nagore, Aug. 12.
 Campbell, Lieut. K., Interp. and Quar. Mas., 45th N. I., to Miss M. A. Read, at Baitool, Aug. 21.
 Duquat, P. L. M., Commis. Depart., to Miss Harriett Masters, Calcutta, Aug. 20.

- Holland, Mr. P. U., to Margaret C., widow of the late Capt. R. M. Owen, Calcutta, Aug. 23.
- Laurie, the Rev. Geo. James, Mad. Presid., to Laura Louisa, second daughter of the late Sam. Ludlow, Esq., at Almore, Aug. 21.
- Littler, J. H., Major, 14th N. I., to Helen O. Stewart, only daughter of Capt. H. Stewart, H. M.'s Serv., at Benares, Calcutta.
- Leicester, C. B., Esq., nephew of Lord de Tabley, to Miss Leycester, eldest daughter of W. Leycester, Esq., at Calcutta, Sept. 8.
- Musgrave, J. F., 36th N. I. to Miss M. C. Stockdale, only daughter of the late T. R. Stockdale, Esq., Madras, Sept. 3.
- Minchin, Lieut. F., 47th N. I., to Emily, third daughter of John Griffin, Esq., Sloane Street, Chelsea, at Benares, Aug. 14.
- Moore, J. A., Esq., of H. H., Nizam's service, to Sophia Stewart, second daughter of Lieut. Col. R. H. Yates, of the Madras Estab., July 31.
- Meriton, R. O., Capt., 2 Bom. Eur. Reg., to Margaret Eliza, only daughter of of P. Eliot, Esq., M. D., Neath, Glamorganshire, Sept. 24.
- Dratt, Geo., Esq., to Miss G. H. Cumming, at Poonah, Aug. 2.
- Smith, A. F., Esq., to Josephina, widow of the late Alex. Falconer, Esq., at Calcutta, Sept. 25.
- Swinhoe, J. H., Esq., of Calcutta, to Jessey, youngest daughter of the late R. Trowman, Esq., of Exeter, Devon, at Madras, Sept. 14.
- Sage, Joseph C., Esq. 4th Extra N. I., to Elizabeth, youngest daughter of the late N. Ralesholm, Esq., at Calcutta, July 27.
- Walker, M., Esq. 16th Lancers, eldest son of Rear-Admiral Walker, C. B., to Fanny M. Welch, eldest daughter Thom. Welch, Esq., Harley Street, at Masulipatam, Oct. 8.

DEATHS.

- Blake, Benjamin, youngest son of Capt. B., 45th N. I., at Jaulnah, July 13.
- Baker, Sarah, daughter of the late W., Esq., of Walton le Soken, in Essex, at sea, May 15.
- Babington, Jane, wife of John, Esq., Civ. Serv., Madras, Aug. 9.
- Barlow, Lieut. and Adj. W. F., 23d N. I., at Asseergurh, Aug. 3.
- Bishop, George Sleight, son of Lieut. G. T., at Calcutta, Aug. 6.
- Berk, J., Lieut., 21st N. I., at Mulligaum, Aug. 20.
- Cazalet, W., Capt. 12th N. I., at Bombay, Sept.
- Campbell, Dugald, Ens. 2d Eur. regt., at Bombay, Aug. 11.
- Clarke, W. C., Capt., 6th Foot, at Bombay, Sept. 14.
- Clarkson, W. H., Lieut. 3d N. I., aged 22, at Poonah, Aug. 2.
- Cecil, Josiah, Lieut., of the C. E. V. B., at Vizagapatam, July 12.
- Doherty, H. H., Lieut., 18th N. I., at Mhow, Sept. 3.
- Dickson, W. Lieut., Executive Engin., eldest son of Col. Sir Alexander Dickson, K. C. B., aged 23, at Chittagong.
- Heldsinger, John H. V., Capt., aged 65, at Calcutta, Sept. 3.
- Hamilton, J. J., Capt., Assist.-Adj.-Gen. of the Army, at Calcutta, Sept. 27.
- Long, J. B., Esq., aged 24 years, at Calcutta, Aug. 31.
- Matthew, Capt., 30th Foot, at Ellichpore, Aug. 14.
- Paton, the lady of Charles, Esq., at Akyab, Aug. 31.
- Smith, Conway William, son of E. J., Esq., Civ. Serv., at Allahabad, Aug. 12.
- Stuart, J. L., Lieut.-Col., of the Bengal Army, at Berhampore, Sept. 3.
- Soonderbut Smarth, a Hindoo High Priest of Bombay, at Bombay, Aug. 25.
- Sinclair, John, Capt., 29th N. I., Commanding 1st regt. Pioneers, in Camp near Beezwarah, Aug. 12.
- Stapleton, S., Lieut. Adj., 52d N. I., at Chittagong, Sept. 13.
- Short, Emily Jane Maria, only daughter of the late Lieut.-Col. Wm., of the 2d Bombay N. I., aged one year and ten months, at London, Jan. 22.
- Tomkyns, Mr. William, son of Lieut.-Col. J. Tomkyns, late of Bengal Artil. aged 42 years, at Calcutta, Aug. 27.
- Vansandan, L., Lieut., 68th N. I., and second in command of the Rungpore Light Infantry, at Bishnauth, Aug. 18.
- Young, Matthew, Capt., 30th Foot, at Ellichpore, Aug. 14.

SHIPPING INTELLIGENCE.

ARRIVALS FROM EASTERN PORTS.

| Date. | Port of Arrival. | Ship's Name. | Commander. | Place of Depart. | Date. |
|---------|------------------|-----------------|--------------|------------------|----------|
| 1828. | | | | | 1827. |
| Jan. 26 | Portsmouth | Sir Wm. Wallace | Wilson .. | Bengal .. | Sept. 16 |
| Jan. 26 | Downs .. | Barbara .. | Pearson .. | Cape .. | Nov. 15 |
| Jan. 26 | Dover .. | St. Leonard .. | Rutherford | Bengal .. | Sept. 10 |
| Jan. 28 | Clyde .. | Palambam .. | Nash .. | Bombay .. | Sept. 16 |
| Jan. 28 | Clyde .. | Crown .. | Baird .. | Bombay .. | Oct. 11 |
| Feb. 11 | Holyhead .. | Clyde .. | Scott .. | Bombay .. | Oct. 4 |
| Feb. 12 | Portsmouth | Eliza Jane .. | Liddell .. | Mauritius | Nov. 6 |
| Feb. 12 | Cowes .. | Augusta .. | Giles .. | Sourabaya | Oct. 29 |
| Feb. 13 | Cowes .. | Pyramus .. | Johnson .. | Mauritius | Nov. 5 |
| Feb. 15 | Margate .. | Marcelly .. | Dawson .. | Bengal .. | Aug. 23 |
| Feb. 15 | Dover .. | Esther .. | Robinson .. | Bombay .. | Sept. 4 |
| Feb. 16 | Downs .. | Mountaineer .. | Canny .. | Bombay .. | Oct. 11 |
| Feb. 16 | Downs .. | Thames .. | Warming .. | Bengal .. | Sept. 13 |
| Feb. 18 | Plymouth .. | Alfred .. | Pearson .. | China .. | Oct. 14 |
| Feb. 18 | Portsmouth | David Scott .. | Thornhill .. | Bengal .. | Sept. 10 |
| Feb. 18 | Downs .. | Madeline .. | Cochlan .. | Bengal .. | Aug. 27 |
| Feb. 18 | Downs .. | Mary .. | Laird .. | Cape .. | Dec. 6 |
| Feb. 20 | Dover .. | Isabella .. | Parker .. | Bengal .. | Oct. 3 |
| Feb. 21 | Cowes .. | Sacken .. | Coffin .. | Siam .. | Nov. 11 |
| Feb. 21 | Cowes .. | Nile .. | Obean .. | Batavia .. | Oct. 28 |
| Feb. 22 | Isle of Wight | C. of Harcourt | Harrison .. | Mauritius | Nov. 27 |
| Feb. 25 | Off the Lizard | Broxbornbury | Fewson .. | China .. | Oct. 14 |
| Feb. 25 | Cowes .. | Orpheus .. | Duff .. | Batavia .. | Oct. 29 |

ARRIVALS IN EASTERN PORTS.

| Date. | Port of Arrival. | Ship's Name. | Commander. | Port of Depart. |
|----------|------------------|----------------------|---------------|-----------------|
| 1827. | | | | |
| Aug. 25 | Calcutta | .. Minerva .. | Hurrie .. | London |
| Aug. 28 | Bombay | .. Bolton .. | Clarkson .. | London |
| Aug. 28 | Bombay | .. Dublin .. | M'Lean .. | Liverpool |
| Aug. 29 | Bombay | .. Competitor .. | Jackson .. | Cork |
| Aug. 29 | Calcutta | .. Simpson .. | Black .. | London |
| Aug. 31 | China | .. Barossa .. | Hutchinson .. | London |
| Sept. 1 | China | .. Lord Hungerford | Hathorne .. | London |
| Sept. 1 | Calcutta | .. Bengal .. | Atkins .. | Liverpool |
| Sept. 6 | Madras | .. John Dunn .. | Hicks .. | London |
| Sept. 9 | Calcutta | .. Grecian .. | Smith .. | London |
| Sept. 12 | Madras | .. P. Char. of Wales | Biden .. | London |
| Sept. 15 | Madras | .. Kingston .. | Bowen .. | London |
| Sept. 13 | Calcutta | .. Welcome .. | Buchanan .. | Clyde |
| Sept. 15 | Bombay | .. Claremont .. | Honor .. | Clyde |
| Sept. 17 | Madras | .. Eliza .. | Sutton .. | London |
| Sept. 19 | Madras | .. Lady M'Naghten | Faith .. | London |
| Sept. 24 | Calcutta | .. Crisis .. | Peabody .. | Liverpool |
| Sept. 24 | Calcutta | .. Eliza .. | Dixon .. | London |
| Sept. 24 | China | .. Duke of Sussex .. | Whitehead .. | London |
| Sept. 26 | Bombay | .. Pomona .. | Hughes .. | Liverpool |
| Sept. 26 | Calcutta | .. Duke of Lancaster | Hanny .. | Liverpool |
| Sept. 26 | Calcutta | .. Tigress .. | Sheriffe .. | Glasgow |
| Sept. 27 | Madras | .. Venilia .. | Walmesby .. | London |
| Sept. 28 | Ceylon | .. Lady Rowena .. | Russell .. | London |
| Sept. 28 | Calcutta | .. Albion .. | M'Leod .. | Liverpool |
| Sept. 28 | Calcutta | .. Lady of the Lake | Nicholls .. | London |
| Sept. 30 | Madras | .. Clyde .. | Munro .. | Clyde |

| Date. 1827. | Port of Arrival. | Ship's name. | Commander. | Ports of Depart. |
|----------------|------------------|-----------------------|--------------|------------------|
| Sept. 30 | Madras | .. Grecian .. | Allan .. | London |
| Oct. 3 | Calcutta | .. Flora .. | Basileo .. | London |
| Oct. 17 | Calcutta | .. John Taylor .. | Atkinson .. | Liverpool |
| Oct. 17 | Madras | .. Childe Harold .. | West .. | London |
| Oct. 18 | Madras | .. Diadem .. | Wilson .. | London |
| Oct. 27 | Calcutta | .. M. of Wellington | Chapman .. | London |
| Oct. 30 | Calcutta | .. Carnbrea Castle .. | Davey .. | London |
| Nov. 2 | Mauritius | .. Brazilian .. | Cotsworth .. | London |
| Nov. 6 | Mauritius | .. Strenshall .. | Dunning .. | London |
| Nov. 8 | Mauritius | .. Achilles .. | Henderson .. | London |
| Nov. 8 | Mauritius | .. Sanburry .. | Patterson .. | Liverpool |
| Nov. 10 | Mauritius | .. Dawson .. | Dawson .. | London |
| Nov. 11 | Mauritius | .. Samuel Brown .. | Reed .. | London |
| Dec— | Bengal | .. William Young .. | Morrison .. | Liverpool |

DEPARTURES FROM EUROPE.

| Date. 1828. | Port of Depart. | Ship's Name. | Commander. | Destination. 1 |
|----------------|-----------------|-----------------------|---------------|----------------|
| Jan. 29 | Plymouth | .. General Harris .. | Stanton .. | China |
| Jan. 29 | Liverpool | .. Othello .. | M'Leod .. | Bengal |
| Jan. 29 | Liverpool | .. Madras .. | Christian .. | Bengal |
| Jan. 29 | Liverpool | .. Alcione .. | Mure .. | Bombay |
| Feb. 1 | Falmouth | .. Wilna .. | Tayt .. | Cape |
| Feb. 3 | Cowes | .. Ceres .. | Warren .. | Bombay |
| Feb. 7. | Downs | .. Charles Jameson | Christie .. | Cape |
| Feb. 8 | Cowes | .. Berwickshire .. | Madan .. | China |
| Feb. 8 | Cowes | .. Sir David Scott .. | MacTaggart | China |
| Feb. 8 | Downs | .. Elizabeth .. | Grant .. | Bengal |
| Feb. 8 | Cowes | .. Kerawell .. | Armstrong .. | Cape |
| Feb. 8 | Portsmouth | .. Hoopoo .. | Pappen .. | Padang |
| Feb. 9 | Downs | .. Providence .. | Ford .. | Mad. & Beng. |
| Feb. 9 | Portsmouth | .. William Harris .. | Beachcroft .. | Ascension |
| Feb. 9 | Portsmouth | .. Claudine .. | Flinn .. | Mad. & Beng. |
| Feb. 10 | Portsmouth | .. General Palmer .. | Truscott .. | Madras |
| Feb. 10 | Downs | .. Marq. of Huntly | Frazer .. | China |
| Feb. 10 | Downs | .. Reliance .. | Timius .. | Bengal |
| Feb. 12 | Cork | .. Alexander Ogilvy | Murray .. | Singapore |
| Feb. 19 | Portsmouth | .. Harlequin .. | O'May .. | Bombay |
| Feb. 21 | Deal | .. Abercrombie Rob. | Innes .. | China |
| Feb. 22 | Downs | .. Fame .. | Bullen .. | Mad. & Beng. |
| Feb. 23 | Deal | .. Thorne .. | Johnstone .. | Bombay |
| Feb. 23 | Downs | .. Thames .. | Brigg .. | Bengal |
| Feb. 23 | Gravesend | .. Hebden .. | Fowler .. | Bengal |
| Feb. 23 | Deal | .. Duchess of Athol | Daniel .. | China |
| Feb. 23 | Deal | .. Marquis Camden | Larkins .. | Bombay |
| Feb. 23 | Deal | .. Earl of Balcarras | Broughton .. | China |
| Feb. 23 | Deal | .. George the Fourth | Barrow .. | China |

GENERAL LIST OF PASSENGERS.

PASSENGERS HOMEWARDS.

By the *St. Leonard*, from Bengal:—Lieut.-Col. Fort, Bengal Army; Capt Davison (late of the *Northumbrian*); Lieuts. Lormer (left at Ascension) and Smith, 45th reg.; Surgeons Newmarsh and M'Rea; Mr. Hawkins; Miss S. Plumb; 2 servants, and 4 of the crew of the *Northumbrian*.

By the *Marcelly*, from Bengal:—Capts. Moore and Burt, 14th Foot; Mr. J. Wilson; Mrs. Crews, and Miss Holyoak.

By the *Borneo*, from Bencholen :—Misses Susan Boyes and Nash ; Master Nash, and two servants.

By the *Topaz*, from the Mauritius :—Lieut. P. Fitzgerald, 29th Foot.

By the *Susan*, from Madras : Col. Hamilton ; Maj. Cole ; Lieuts. Macgregor, MacKeane, Birch, and Hart ; Mesdames Thomas and Bromhead ; and 48 invalids of 45th Foot.

By the *Mountaineer*, from Bombay :—Capt. Thomas Haviside.

By the *Madeline*, from the Mauritius :—Capts. Cochrane, (from Calcutta,) Parker (late of Wight) ; Messrs. Sergeant and Robinson, and Mrs. Sergeant.

By the *Alfred*, from China :—Mr. James Ilberry, merchant.

By the *Indian Chief*, from Bengal :—Lieut.-Col. J. Puller ; Mr. Jas. Stewart, merchant ; Master Fuller ; Mrs. and Miss Fuller, and two servants.

By the *Othello* from Bengal :—Capt. J. Kennedy ; Lieut. W. Ellis, Wm. Earle, Esq. ; Mrs. A. Burns ; Misses S. and A. Burns, and two servants.

By the *Palambam*, from Bombay ; Capts. Frederick Browne and Wm. Eyre, and Mr. John R. Shower.

By the *Thames*, from Bengal :—Lieut. Sykes, 45th reg., and Mr. William Brandon.

By the *James Sibbald*, from Madras :—Major Irving, 1st Mad. N.I. : Capts. Macdonald (Royals) and Metcalfe (Mad. N. I.) ; Lieuts. Fothergill, (48th foot,) Armstrong, (30th foot,) and Currie (9th Mad. N. I.) ; Ens. Colebeck, 4th N. I. ; Dr. M'Leod ; Mr. Tabor ; Mesdames Armstrong and Newmarch and child ; Masters W. Lambe and Metcalfe, 80 invalids, 9 women, and 6 children of the 30th and 89th regts.

TO CORRESPONDENTS.

Several Articles communicated from Bengal and Bombay—a Letter from Madras—an Article on Courts of Justice, from the Cape—and a Letter from a Retired Surgeon of the East India Company's Army on the Medical Service of India—are unavoidably deferred till next month.

We have continued, in our present Number, the plan of giving the information reaching us from the several Presidencies, under the respective heads of the communications themselves. The minor incidents of News to be gleaned from the Indian Papers, are so scanty and unimportant as to be not worth repeating, especially as the little so to be obtained is now generally given in the Papers of the day, and thereby loses its novelty and interest. That, however, which the Daily Papers do not publish, namely, the Civil and Military Promotions, Births, Marriages, Deaths, and Shipping Intelligence of India, will still have its accustomed space.

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